



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of decision: September 12, 2023

+ W.P.(C) 7449/2019

(10) SHRINIVAS SINGH

..... Petitioner

Through: Mr. S. C. Sagar, Mr. Naeem Ahemed
and Ms. Swati, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Anil Soni, CGSC with
Mr. Devvrat Yadav and Mr. Archil
Misra, Advs.
Mr. V. S. R. Krishna, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

1. The challenge in this petition is to an order dated January 10, 2019 in O.A. 4325/2012 passed by the Central Administrative Tribunal, Principal Bench, New Delhi. The claim of the petitioner before the Tribunal was the following:-

"i) To quash and set aside the impugned order dated 12.07.2012.

ii) To direct the respondents to grant to the applicants pay scale of Rs.5000-8000 (Pre-Revised) w.e.f. 01.01.1996 and pay scale of Rs.5500-9000 w.e.f. 27.04.2007 with all arrears of pay and interest @ 18%.



iii) to direct the respondents to grant to the applicants the pay scale as given to their counter parts in the various Departments and Ministries with similar qualification.

iv) To allow the O.A. with costs.

v) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants."

2. In effect the petitioner has challenged the order dated July 12, 2012 and sought a direction that they be given the pay scale of ₹5000-8000 w.e.f. January 01, 1996 and pay scale of ₹5500-9000 w.e.f. April 27, 2007.

3. It is a conceded case of the petitioner that he was appointed as Junior Investigator on March 21, 1997 in the pay scale of ₹1400-2300. There is no contest to the fact that the pay scale of ₹1400-2300 was revised to ₹4500-7000.

4. While working as Junior Investigator in the aforesaid scale, the Textile Committee on its own has merged the post of Junior Investigator with Field Officer and granted the petitioner pay scale of ₹5500-175-9000, as Field Officer, which scale was upgraded to the scale of ₹6500-10500.

5. It appears that this merger of post of Junior Investigator with Field Officer was made by the Textile Committee without the approval of the Ministry of Textile. In terms of the Rules framed by the Textile Committee, the approval of the concerned Ministry was required to be taken before the merger. As no approval was taken, the petitioner was re-designated as Junior Investigator in the pay scale of ₹5000-8000.

6. The claim of the petitioner was rejected by the Tribunal by noting the grounds on which the impugned order dated July 12, 2012 was passed, which we reproduced as under:-



“i) The applicant Shri Shrinivas Singh was appointed on 21.03.1997 and Shri Sushil Kumar was appointed on 03.04.1997 whereas the recommendations of the V Central Pay Commission were implemented by the Committee w.e.f. 01.01.1996, which was much prior to their appointments. Further, they made the first communication with the Committee on 05.01.2009, i.e., after 11 years of fixation of their pay.

ii) As regards the pay scale of Junior Investigators in other departments it was stated that under the V Central Pay Commission, specific recommendations have been made in respect of those Central Government offices. No such specific recommendation has been made regarding the Textiles Committee. The Pay Commission took into consideration the duties, responsibilities, nature of work involved etc., while recommending the pay scale for each post in respective organization.

iii) The merger of cadre of Junior Investigator in the pay scale of Rs.4500-125-7000 with the cadre of Field Officer in the pay scale of Rs.5500-175-9000, which was subsequently revised to Rs.6500-200-10500 was done by the Textiles Committee without obtaining the approval of Ministry of Textiles as required under the provisions of Rule 33 (4) of the Textiles Committee Rules, 1965. This upgradation and amendment was not approved by the Ministry and hence it was subsequently disallowed.”

7. From (iii) above, it is clear that the petitioner was re-designated as Junior Investigator in the pay scale of ₹4500-125-7000 primarily on the ground that the Textile Committee without obtaining approval of Ministry of Textiles as required under the provisions of Rule 33 (4) of the Textiles Committee Rules, 1965 merged the post of Junior Investigator with Field Officer.

8. We have already reproduced the prayers sought by the petitioner in O.A. In effect, the petitioner was seeking a higher pay scale as Junior



Investigator.

9. Concedingly, on January 01, 1996, the petitioner was not working as Junior Investigator. Be that as it may, having been appointed in 1997, the petitioner was rightly granted the scale which was attached to the post of Junior Investigator i.e., ₹4500-7000. The claim for ₹5000-8000 as such could not have been allowed at variance with the pay attached to the said post. As the petitioner was not granted the scale of ₹5000-8000, the higher scale of ₹5500-9000 was also rightly denied.

10. The Tribunal while rejecting the O.A. has not given any reason for denying the prayers as made in the O.A. i.e., the prayer for higher scales of ₹5000-8000 and ₹5500-9000. As we have already stated that the pay scale of Junior Investigator being ₹4500-7000 and not ₹5000-8000, the petitioner would only be entitled to the said scale and not the higher scale and even otherwise the petitioner had not sought parity with any post on the basis of the duties, qualifications and recruitment rules which carried the pay scales of ₹5000-8000/₹5500-9000.

11. We do not see any merit in the petition, the same is dismissed.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 12, 2023/ds