

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6888 OF 2008

U.O.I. & ORS.

Appellant(s)

VERSUS

S.C.KARMAKAR & ORS.

Respondent(s)

O R D E R

Heard Mr. Paras Kuhad, learned Additional Solicitor General in support of this appeal and Mr. Debasis Misra, learned counsel appearing for the respondents.

2. This appeal seeks to challenge the judgment and order dated 10.10.2007 rendered by a Division Bench of the Delhi High Court in Writ Petition (C) No.7475/2007 whereby the High Court left undisturbed the order dated 1st May, 2007 passed by the Central Administrative Tribunal in O.A. No.377/2006 which was filed by the respondents. The Central Administrative Tribunal has directed the appellants

to grant the Office Superintendents in the Central Bureau of Investigation (C.B.I.) the non-functional grade of Rs.8000-13500/- on par with the Section Officers of the Central Secretariat with effect from 3.10.2003 with consequential benefits.

3. The submission of the respondents was that for good time earlier, the Section Officers working in the Central Secretariat were invariably posted in the C.B.I. and the work discharged in both these positions is similar. Mr. Paras Kuhad, learned Additional Solicitor General has however pointed out that this was much earlier, and that the parity in the pay-scales between the employees in the Central Secretariat and attached offices like C.B.I. has been only upto the level of Upper Divisional Clerks, and not from the position of Assistants upwards.

4. In any case, the fact remains that in attached offices of four Ministries i.e. Intelligence Bureau in the Home Ministry, Armed Forces Headquarters Secretariat Section in the Defence Ministry, Research and Analysis Wing attached to the Cabinet Secretariat, and the Central

Administrative Tribunal, parity in pay has been granted to the Office Superintendents. In spite of the 6th Pay Commission giving lesser pay to the Office Superintendents in the attached offices, the Central Administrative Tribunal gave judgment in favour of the Office Superintendents in these attached offices. The Central Government has accepted this position and implemented the judgment. That being so, without going into any of the other submissions from both sides, we do not think that it would be proper that the matter should be opened up as far as the Office Superintendents in the C.B.I. are concerned with whom we are concerned in the present matter and for whom also the Central Administrative Tribunal has granted parity. Accordingly, we decline to entertain this appeal and the same is dismissed.

5. We, however, make it clear that the aforesaid order is passed in the context of the present fact situation where the Office Superintendents in the C.B.I. have been granted parity with the Section Officers in the Central Secretariat. The issue with respect to the parity of similarly situated Office

Superintendents in other attached offices with the Section Officers in the Central Secretariat was not before the Court.

6. We expect the Central Government to clear the arrears within the next three months.

.....J
(H.L. GOKHALE)

.....J
(J. CHELAMESWAR)

New Delhi;
November 27 , 2013.

JUDGMENT