

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO. 1023/2007

New Delhi, this the 18th day of September, 2008

**HON'BLE SHRI JUSTICE V.K.BALI, CHAIRMAN
HON'BLE SHRI L.K. JOSHI, VICE CHAIRMAN (A)**

1. All India Association
of Statistical Investigators
NSSO (FOD), East Block-6
Level No. 4 to7,
R.K. Puram, New Delhi
Through its Secretary Ajay Saxena

2. H.C Upreti
SI Grade III,
NSSO (FOD), East Block-VI
Level No. 4 to 7
R.K Puram, New Delhi-66

..... Applicants

(By Advocate: Shri R.P Sharma)

Versus

1. Union of India
Through its Secretary,
DOPT, North Block,
New Delhi

2. Secretary,
M/o Finance, North Block,
New Delhi

3. Secretary,
MOS & PI, Sardar Patel Bhawan,
New Delhi

.... Respondents

(By Advocate : Shri R.V. Sinha)

ORDER

Hon'ble Sh. L.K.Joshi, Vice Chairman (A)

This OA has been filed by the recognized association of the Statistical Investigators belonging to Subordinate Statistical Service (SSS for short). The second Applicant is a member of the above said association. The grievance of the Applicants is that the benefits of first up gradation under Assured Career Progression (ACP) Scheme, which had been given to them prior to their absorption in SSS, has been withdrawn. The applicants have prayed for the following relief:

“a) To pass an appropriate order or direction, directing the respondents to set aside the Ann A OM of the respondents as violative of the orders of this Hon’ble Court in various cases as well as violative of the fundamental rights guaranteed to the applicants under Art 14 & 21 of the Constitution as well as the statutory rules and also violative of the policies.

b) To pass an order directing the respondents to fix the pay of the applicants under FR 22 (1) (a) (2) without withdrawing the ACP granted to them prior to the formation of the SSS with all the consequential benefits.

c) To re-fix the pay of the applicants on the day on which the applicants were absorbed and appointed as Statistical Investigator Grade-III (Non-functional Post) i.e. 1.4.2004 under FR.22 (1) (a) (ii).

2. The relevant facts necessary for the adjudication of the OA have been summarized hereafter. On the recommendation of Fifth Central Pay Commission (For short V CPC) the Respondents constituted the Subordinate Statistical Service (SSS) vide OM dated 30.01.2002 . The Gazette Notification to this effect was issued on 12.02.2002 and subsequently an amended notification was issued on 4.04.2003. The SSS came in to existence from 1.04.2004.

Following four grades were constituted in SSS:

S.No	Post/Grade	Pay Scale	Remarks
1.	Statistical Investigator Grade I	7450-11500	Non-Functional
2.	Statistical Investigator Grade II	6500-10500	Functional
3.	Statistical Investigator Grade III	5500-9000	Non-Functional
4	Statistical Investigator Grade IV	5000-8000	Functional

3. The Applicants were working in the Field Operation Division (FOD) of National Sample Survey Organisation (NSSO), when the SSS was notified. On 1.04.2004 the Applicants, who were in the pay scale of Rs. 5000-8000 were absorbed and appointed in SSS in the pay Scale of Rs 5500- 9000, which is a Non- Functional Grade. It may be mentioned that the Applicants had been granted financial up gradation under ACP Scheme by order dated 10.12.1999 placed at pages 117-118 of the paper book. The applicants were upgraded to the scale of Rs.5500-9000. Fixation of pay was done by order dated 17.01.2000 (Pages 120-21 of the paper book).

4. The DOP & T had initiated the ACP Scheme on 9.08.1999, which provided upgradation to higher grade in service after 12 and 24 years of service, if the employee did not get any promotion during this period. On 25.06.2004, the Respondents issued an OM on the Subject of grant of financial upgradation under ACP Scheme to the incumbents holding the post included in the SSS. It, inter alia, prescribed the following conditions as regards the grant of upgradation under ACP Scheme:

“2 The procedure for grant of financial upgradation under the ACP Scheme to the eligible incumbents holding posts included in the SSS will be as follows:-

(i) Financial upgradation under ACP scheme will be as per four – grade structure of the SSS right from the inception of the ACP Scheme i.e 9.8.99 vide DOP & T OM No. 35034/1/97- Estb. (D) dated 9.8.99

(ii) Each of the Four grades of the SSS would count as a specific grade in the hierarchy for purpose of grant of financial upgradation under ACP scheme on completion of 12 and 24 years of regular service.

(iii) Pay scales already granted under ACP scheme to some of the incumbents as per the earlier two/three –tier structure would have to be adjusted with reference to the four – grade structure of the SSS. The pay of such incumbents would, therefore, have to be re-fixed in the appropriate pay scale with reference to the four- grade structure of the SSS wherever necessary.

(iv) In case any drop in emoluments occurs, while there will be no recovery of the excess payment already made, the loss in emoluments would not be protected for future. This will be effective from the date of issue of this OM.

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(vi) If at the stage of operationalisation of the SSS, an incumbent is adjusted in a grade higher than one held by him on regular basis, the same shall be treated on par with promotion and would offset against claim for first/second ACP.

(vii) Pay in the higher pay scale to be granted under the ACP scheme will be fixed as per FR 22(I) (a) (1) with reference to DOP&T OM No. 353034/1/97-Estb.(D) dated 9.8.99.”

Another OM was issued by the Respondents on 30.06.2004 stating that the pay fixation would be regulated under FR 22 (I) (a) (1) in each grade for the incumbents of SSS regardless of whether the grade is functional or non-functional.

5. All India Association of Investigators, NSSO (FOD) and some others approached this Tribunal in OA Numbers 1845/2004 and 2770/2003 challenging, inter alia, the OM dated 25.06.2004 which provided for upgradation under ACP Scheme to non-functional grade. The Tribunal in its order dated 27.06.2005 held thus:

“The action of the respondents to treat four tier structure including two non-functional grades as existing hierarchy for ACP and their decision to adopt such a hierarchy vide letter dated 25.6.2004 is set aside and the matter is remanded back to the respondents to reconsider the entire issue in the light of condition no.13 of the ACP Scheme as well as decision of the High Court of Delhi in F.C Jain’s case (supra)”.

6. Two other OAs, OA Number 1607/2004 and 2030/2004 were also filed by all India Association of Investigators, NSSO (FOD) and Others, including the second Respondent in this OA, challenging the OM dated 30.06.2004 in which the pay of the Applicants was sought to be fixed under FR 22 (I) (a) (1) on grant of Non-function grade to them. The relevant portions of the Tribunal’s order dated 28.07.2005 read thus:

“ 16. If one has regard to the above, these are inter changeable among the grades. We do not see any definite assumption of duties and responsibilities of higher nature of assignment to the charge from functional scale to non-functional one. The condition precedent for invoking FR 22(1)(a)(1) is assumption of duties and responsibilities of higher nature, which is lacking. Accordingly, decision of the respondents to invoke fixation of pay under FR 22(1)(a)(1) through their O.M. is certainly in violation of FR as well as DOP &T OM dated 22.05.1989.

17. It is trite law that any administrative instruction or executive order cannot supplant the rules and cannot be in conflict with it.

18. In the light of the above discussion, Original Applications are partly allowed. Impugned orders are set aside. However, the respondents are at liberty to re-examine the entire matter, in the light of our observations while taking a decision to fix the pay of the applicants in non-functional scales, by passing a detailed and speaking order within six months from the date of receipt of a copy of this order”.

7. On the basis of order dated 28.07.2005 in OAs Number 1607 / 2004 and /2002, referred to in the previous paragraph, an OM dated 2.08.2006 was issued by the Respondents, by which the OM dated 30.06.2004, was modified in the following manner:

“3. Accordingly, in the OM of even number dated 30.06.2004, the sections 2 (ii) and (iv) shall be substituted as follows:

“2.(ii) The incumbents who are holding the posts included in SSS in the pay scale of Rs. 6500-200-10500 on regular basis and absorbed and appointed to the grade of Statistical Investigator Grade I in the pay scale of Rs. 7450-225-11500 shall be fixed in accordance with FR 22(i)(a)(2)”.

“2.(iv) The incumbents who are holding the posts included in SSS in the pay scale of Rs. 5000-150-8000 on regular basis and absorbed and appointed to the grade of Statistical Investigator Grade III in the pay scale of Rs. 5500-175-9000 shall be fixed in accordance with FR 22(i)(a)(2)”.

8. In CP-213 / 2006 in OA-1607 /2004, the Respondents were directed on 11.01.2007 to comply with the direction given in the aforesaid OA with three weeks from 11.01.2007. On 21.09.2006, the Tribunal noted as follows in the above Contempt Petition (CP):

“4. At this stage learned counsel of respondents assured that respondents shall pass appropriate orders fixing applicants pay in the higher grade in terms of FR.22(1)(a)(2) in compliance of Tribunals directions if they are afforded a months time from the date of receipt of these orders”.

9. Orders for fixation of pay were issued on 17.01.2007, giving illustrative fixation of pay for the incumbents in SSS, by giving example of fixation of pay of the second Respondent herein. The order dated 17.01.2007 is extracted below:

In response to instructions issued by this Ministry vide O.M. No. 12013 /1 /2004-SSS dated 2.8.2006 in pursuance of CAT, PB, New Delhi order dated 28.7.2005 in OA No. 1607 /2004 (Shri H.C. Upreti & others Vs. UOI & others), order dated 21.9.2006 on CP 213 / 2006 in the said OA, and the representation made by Shri H.C.Upreti dated 14.8.2006, the pay of Shri Upreti, S.I. Gr. III is re-fixed under FR 22 (1) (a) (2) as under:

1.	Notional pay in the scale of Rs.5000-150-8000 as on 1.4.2004	Rs.7,100
2.	Pay fixed in the scale of Pay of Rs.5500-175-9000 at the next stage on 1.4.2004 (i.e.date of absorption in SSS in S.I Gr.III	Rs.7,250
3.	Pay on 1.4.2005	Rs.7,425/-
4.	Pay on 1.4.2006	Rs,7,600/-
5.	Date of next increment 1.4.2007	

2. At the time of initial constitution of SSS, Shri Upreti was drawing the basic pay of Rs.7425/- as on 1.4.2004 in the pay scale of Rs.5500-9000 as a consequence of grant of 1st ACP. As a result of the present re-fixation, he will suffer loss of basic pay and admissible allowances which will be recovered from him as per rules. The above re-fixation of pay is being done on his own request through the aforesaid contempt petition and is subject to post audit.

3. This pay fixation of Shri Upreti is further subject to the condition that he will be eligible only for 2nd financial up gradation under the ACP scheme after completing 24 years of eligible service in the grade”.

This is the impugned order.

10. The CP-213 / 2006 was closed by order dated 21.05.2007 with following observations of the Tribunal:

“9. We have perused the records of the case and we would like to reiterate our observations in the order dated 21.09.2006 passed during the course of hearing that the orders of the non-petitioners refixing the pay of the Applicants by order No. 11024 / 18 /2004-SSS dated 10.08.2006 are unsatisfactory and not truly according to the letter and spirit of the directions of this Tribunal in O.A. No. 1607 / 2004. However, there has not been willful or deliberate disobedience of the orders of the Tribunal. We, therefore, dismiss the petition and discharge the notices with liberty, however, to the Applicants to take fresh appropriate steps under the law, if they so wish.”

11. From the above overview, the issue that emerges is about the legality of the order dated 17.01.2007 fixing the pay of the Applicant notionally as Rs.7,100/- on 1.04.2004 in total disregard of the fact that the Applicants had got the benefit of first upgradation under ACP Scheme by order dated 10.12.1999 and the pay of Sh. H.C.Upreti, the second Applicant herein was Rs.7425/- on 1.04.2004, consequent to fixation of pay on 17.01.2000.

12. When the second Applicant in this OA was absorbed on 1.04.2004 to SSS as Statistical Investigator in Grade III, in the Non-functional scale of Rs.5500-9000, he was already in this scale by virtue of first upgradation under ACP Scheme, which was granted on the basis of the existing hierarchy in pre-SSS structure in NSSO (FOD). SSS was not in existence, when the Applicant was upgraded to the Rs.5500-9000 under ACP Scheme. Taking exception to the order dated 17.01.2007, the learned counsel for the Applicant would contend that the act of the Respondents in wiping off the benefit of first upgradation under ACP Scheme is totally arbitrary and whimsical. There are no rules under which such action could have been taken by the Respondents. Reliance has been placed on **P.U.Joshi and others Vs. Accountant General, Ahmedabad and others**, (2003) 2 SCC 632 that a right already earned and accrued cannot be taken away. It is argued that the pay of the second Applicant could not have been fixed at Rs.7250 /- on 1.04.2004, when it was already Rs.7425/- on that date.

13. The Respondents, on the other hand, have opposed the pleas of the Applicants. At the outset, an objection has been raised that the OA is barred by res judicata and estoppel on the ground that the same issues had been raised in OA-1607 / 2004, which had been decided on 28.07.2005. It is stated that the applicants in OA-1607 /2004 had prayed for fixation of pay under FR 22 (I) (a) (2) instead of fixing it under FR 22 (I) (a) (1). It is stated that the Tribunal had partially allowed the aforesaid OA holding that pay should be fixed in terms of FR 22 (1) (a) (2). It is stated in the counter affidavit filed by the Respondents that following the directions of the Tribunal in OA-1607 /2004, speaking order dated 10.08.2006 was passed, in which the decision extracted below was recorded:

“4. WHEREAS in the OM number12013 /1 /2004-SSS dated 30.06.2004, the sub para 2 (ii) and 2(iv) have been substituted as follows:

“2(ii) The incumbents who are holding the posts included in SSS in the pay scale of Rs.6500-200-10500 on regular basis and absorbed and appointed to the grade of Statistical Investigator Grade I in the pay scale of Rs. 7450-225-11500 shall be fixed in accordance with FR 22(i)(a)(2).”

2(iv) The incumbents who are holding the posts included in SSS in the pay scale of Rs.5000-150-8000 on regular basis and absorbed and appointed to the grade of Statistical Investigator Grade III in the pay scale of Rs.5500-175-9000 shall be fixed in accordance with FR 22(i)(a)(2)”.

14. It is also pointed out that the Respondents had also filed an MA-2220 /2006, in which it was submitted before the Tribunal that the Respondents were unable to find a way to apply FR 22 (1) (a) (2) for fixation of pay of Sh. H.C.Upreti, the second Applicant in this OA, as his pay was not fixed under FR 22 (1) (a) (1) on 1.04.2004, on the date of his appointment as Statistical Investigator Grade III.

It was also pointed out that it would result in would result in reduction of pay of the concerned officials. Attention has been drawn to para 11 of the aforesaid OA, which is reproduced below:

“11 That since, Grade I of SSS is also a nonfunctional grade, the entire issue of the pay fixation is to be re-examined in the light of following points:-

i) SI Grade III and SI Grade I, both are nonfunctional grades in SSS, it would not be appropriate to treat these two grades differently as regards fixation of pay.

ii) The applicant is pleading before the Hon’ble Tribunal in the instant Contempt Petition that the pay in respect of those officials who have been granted ACP prior to absorption in SSS and subsequently placed in the non-functional grades should also be re-fixed in terms of OM dated 2.08.2006, irrespective of that their pay was fixed or not under the provision of the OM dated 30.06.2004. In such cases, as per the advice tendered by DOP &T, their pay would be required to be re-opened since the date of granting of ACP for calculation of notional pay so that their pay may be re-fixed in the non-functional grade and the incumbents would get only the 2nd ACP on completion of 24 years of service”.

15. In paragraph 9 of the OA, an argument has been advanced that that the Applicant has himself invited the problem of withdrawal of his benefit under ACP Scheme by insisting of fixation of pay under FR 22 (1) (a) (2). The said paragraph is quoted hereunder:

“9. That , however, it is submitted that since Shri H.C.Upreti was already granted ACP in the scale of Rs.5500-9000 w.e.f.9.8.1999 and his pay was fixed under FR 22(1)(a)(i) it was not refixed in terms of order dated 2.08.2006. Shri Upreti had however sought refixation of his pay in terms of order dated 2.8.2006 of MOS & PI, It is submitted that as per DOPT’s guidelines promotion to a nonfunctional grade is also considered as promotion Upreti is refixed in terms of order dated 2.08.2006, he will be eligible only for 2nd ACP. On the whole, he would be at a loss. However, as insisted on the same and in compliance of the directions of this Hon’ble Tribunal, the MOS & PI has refixed the pay of Shri Upreti in terms of order dated 2.8.2006 subject to the condition that he will be eligible only for 2nd ACP vide order No.A-20014 / 7 / DR/ 03 dated 17.1.2007”.

16. We have given our anxious consideration to rival contentions and have gone through the documents placed before us with the assistance of parties’ counsel.

17. FR 22 (I) (a) (1) and FR (I) (a) (2) are extracted below:

“F.R. 22 (I) The initial pay of a Government servant who is appointed to post on a time-scale of pay is regulated as follows:-

(a) (1) Where a Government servant holding a post other than a tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity, as the case may be, subject to the fulfillment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than

those attaching to the post held by, him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued or [rupees one hundred only], whichever is more.

[Save in cases of appointment on deputation to an ex cadre post, or to a post on ad hoc basis or on direct recruitment basis], the Government servant shall have the option, to be exercised within one month from the date of promotion of appointment, as the case may be, to have the pay fixed under this rule from the date of such promotion of appointment or to have the pay fixed initially at the stage of the time-scale of the new post above the pay in the lower grade or post from which he is promoted on regular basis, which may be refixed in accordance with this rule on the date of accrual of next increment in the scale of the pay of the lower grade or post. In case where an ad hoc promotion is followed by regular appointment without break, the option is admissible as from the date of initial appointment/ promotion, to be exercised within one month from the date of such regular appointment:

Provided that where a Government servant is, immediately before his promotion or appointment on regular basis to a higher post, drawing pay at the maximum of the time-scale of the lower post, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post held by him on regular basis by an amount equal to the last increment in the time-scale of the lower post or [rupees ones hundred] , whichever is more.”

“22 (I)(a)(2) When the appointment to the new post does not involve such assumption of duties and responsibilities of greater importance, he shall draw as initial pay, the stage of the time-scale which is equal to his pay in respect of the old post held by him on regular basis, or, if there is no such stage, the stage next above his pay in respect of the old post held by him on regular basis:

Provided that where the minimum pay of the time-scale of the new post is higher than his pay in respect of the post held by him regularly, he shall draw the minimum as the initial pay:

Provided further that in a case where the minimum pay is fixed at the same stage, he shall continue to draw that pay until such time as he would have received as increment in the time-scale of the old post, incase where pay is fixed at the higher stage, he shall get his next increment on completion of the period when an increment is earned in the time scale of the new post.

On appointment on regular basis to such a new post, other than to an ex cadre post on deputation the Government servant shall have the option to be exercised with in one month from the date of such appointment, for fixation of his pay in the new post with effect from the date of appointment to the new post or with effect from the date of increment in the old post.”

18, FR 22 (I) (a) (2) enjoying fixing of pay in the time scale of pay in respect of the old post held by him on regular basis. It may be argued that the Applicant’s pay scale in the post held by them on regular basis prior to absorption in SSS was Rs.5000-8000 only, notwithstanding upgradation of their scale of pay to the scale of Rs.5500-9000 of benefit under ACP Scheme. Rs.5500-9000 is the scale of the higher post, to which they have not been promoted. They have only been upgraded to the post. But this logic is flawed.

19, The second applicant was given the benefit of first upgradation under ACP Scheme in 1999 and his pay was fixed in the year 2000 he had been enjoying the benefit of pay scale of Rs 5500- 9000 for four years prior to his absorption in SSS. It cannot just be washed away. It had been given to him by the mechanism of ACP Scheme in the post he was occupying at that time. The post might have been in the scale of Rs.5000-8000, but by virtue of upgradation, he had been vested the scale of Rs.5500-9000 in that post. ACP Scheme and the re-structuring Scheme, as a result of which SSS has been created stand on

different footing. What ACP Scheme has given cannot be taken away by another Scheme. Moreover, these schemes are for the benefit of the employees and should not be implemented in a manner calculated to cause distress to them. In **Union of India VS. F.C. Jain** (CWP No.4664/01) decided by the Honourable Delhi high court on 18.04.2002 the following was held:

“10. It is one thing to say that a person is entitled to a higher scale of pay having regard to the policy decision adopted by the State, but the same has nothing to do with the ACP Scheme, which stand on absolutely different footing.

11. By reason of fitment in the scale of pay, the respondent herein had not been promoted to a higher post or to a higher grade of pay.

12. Para 13 of the, as referred to hereinbefore, merely excludes its operation only when there exists any time-bound promotion scheme including in-situ promotion scheme.

13. The scope and purport of both the schemes are absolutely different whereas in former, the pay scale is revised, which is confined to 50% of cadre strength; by reason of the ACP Scheme who are stagnated in a particular post or a particular scale of pay is given higher scale of pay.

14. A beneficial scheme, it is trite, should be construed liberally. Unless and until it is found that by reason of the provisions of the ACP Scheme, the other rule would be inapplicable in a case where the benefit like the scheme in question has been extended and made, the Respondent cannot be deprived thereof.

15. The submission of the learned counsel appearing for the petitioner cannot also be accepted in view of the fact that the respondent was entitled to the said fitment in the scale of pay with effect from 1.1.1996 whereas the ACP Scheme has come into being later on.

16. Furthermore, it is not a case where the respondent herein could have been asked to opt for one of those Schemes as both the Schemes operate in two different fields”.

The benefit of the ACP Scheme, which had been given in 1999, when SSS had not even born, cannot be taken away while absorbing the Applicant in that service.

20. In P. U. Joshi (cited supra), there was bifurcation of the office of the Accountant General in two parts namely Accountant General (Accounts & Entitlements) and Accountant General (Audit). Following the bifurcation and recommendation of fourth CPC, certain new posts (Assistant Audit Officer) were created and recruitment rules were amended. The petitioners felt disadvantaged and approached the Tribunal. Their plea did not find favor with the Tribunal. They then carried an appeal to the Honourable Supreme court. Their contention was that their service rights were to be governed by the rules relating to their service as on the date of bifurcation of AG's office and that the rules cannot be altered to their detriment. The Honourable Supreme Court held as follows:-

“10. we have carefully considered the submissions made on behalf of both parties. Question relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotion pertain to the field of policy is within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the constitution of India and it is not for the statutory tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the state to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate department or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/ categories of service, as may be required from time to time by abolishing the exiting cadres/posts

and creating new cadres/posts. *There is no right in any employee of the state to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a government servant has no right to challenge the authority of the state to amend, alter and bring into force new rules relating to even an existing service.*" (Emphasis added)

The rights earned by the applicants have to be safeguarded.

21. There is no resjudicata barring the applications. First, in CP-213/2006, the Tribunal had given the applicants liberty to challenge the order dated 17.1.2007 in afresh proceedings. Second, the issues in O.A. Number 1607/2005 and in the present O.A. are different. The taking away of the benefits of ACP Scheme at the time of Pay fixation was not an issue in the O.A. number 1607/2005. The learned counsel for respondents has cited the case of **Hope Plantations Limited Vs. Taluk Land Board, Peermade and Another**, (1999) 5 SCC 590. We are clear that this judicial precedent has no application to the instant case because the issues under consideration are not even remotely related.

22. The order dated 17.1.2007 has arbitrarily wiped off the benefits of ACP Scheme given to the Applicants. The pay of the Applicant should be fixed under FR 22 (I) (a) (2) in the scale of the Rs. 5500-9000 in the new post, which is the same as the scale in the old post. The order dated 17.1.2007 is quashed and set aside. These directions should be complied with within four months of the receipt of certified copy of this order. The Applicants will be eligible for all consequential benefits except payment of back wages. No costs.

(L.K.JOSHI)
Vice Chairman (A)

(V.K.BALI)
Chairman

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