

F. No. 9/4/2019-CS-I(S)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

.....
2nd Floor, A Wing, Lok Nayak Bhawan, Khan Market
New Delhi, the 18th October, 2021

OFFICE MEMORANDUM

Subject: Stepping up of pay of senior Assistants of CSS drawing less pay on promotion in the Section Officers' Grade than their juniors - OM No.18/2/2007-CS-I dated 20.05.2014 - Writ Petitions filed in the matter - regarding.

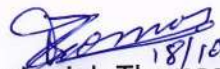
The undersigned is directed to refer to this Department's OM No.18/2/2014-CS-I(S) dated 01.07.2019 and OM of even number dated 18.10.2019 (copy enclosed) wherein instructions were issued to all the Ministries/Departments participating in CSS for handling of Writ Petitions filed/being filed in the above matter.

2. These instructions provided that the first WP No.1225/2019 filed in the matter was being defended by this Department and the remaining WPs were to be defended by the administrative Ministry/Department concerned based on inputs made available by this Department (reply filed in WP No.1225/2019) in consultation with Government Counsel after ensuring factual accuracy of the case.

3. These instructions further provided that all fresh cases filed in Delhi High Court in the matter might be duly reported to this Department by the Ministry/Department concerned as and when the WPs were received at their end and the counter replies filed immediately in these matters, under intimation to this Department. The Ministries/Departments had also been requested to get their cases tagged/connected with WP No.1225/2019 so that all the cases containing similar cause of action could be heard together. A list of WPs filed in the matter, as per the information available in this Department, is attached as Annexure.

4. Accordingly, the Ministries/Departments concerned are requested to confirm that counter replies have already been filed by them in these matters and action has been taken to get these cases tagged with WP No.1225/2019. A copy of the counter reply so filed may be forwarded to this Department for records. **The matter is likely to be heard on 02.12.2021.** If there is any other WP filed besides the above, the status with respect to the same may also be intimated to this Department.

5. This may please be treated as Most Immediate and the information as sought in para 4 above may be furnished to this Department immediately but not later than 25.10.2021.


(Zachariah Thomas)
Under Secretary to the Govt. of India
Ph: 24624046

To (through DOPT website)

All Ministries/Departments of Government of India
(Director/Deputy Secretary (Admn./Estt.))
New Delhi

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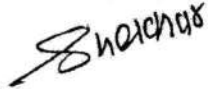
The undersigned is directed to refer to this Department's OM of even number dated 01.07.2019 where by the Ministries/Departments were asked to defend the Writ Petitions filed in Hon'ble High Court of Delhi in the above matter on the basis of inputs provided by this Department.

2. The above said instructions were issued with a view to ensure that uniform facts are placed before the Hon'ble High Court with analysis of method of pay fixation/re-fixation of the petitioners pursuant to issue of DOPT OM dated 20.05.2014.
3. All the applications filed by a number of applicants were heard together and orders had been passed by the Learned CAT on 11.01.2019 rejecting prayer of the applicants.
4. Against the above orders of CAT, the applicants have filed Writ Petitions in Hon'ble High Court of Delhi. As on date, 10 Writ Petitions have been filed by individual/group of officers. The Ministries/Departments concerned have been asked to prepare counter replies based on the reply filed by this Department in WP No.1225/2019 (Prmod Sahoo &Ors. Vs. UOI). Accordingly, the Ministries/Departments are sending the counter replies prepared by them to this Department for vetting.
5. It is observed that the cause of action, prayers made and issues under adjudication in all the cases are the same. Hence, it has been decided that the Ministries/Departments may file the counter reply based on inputs made available by this Department (reply filed in Pramod Sahoo case) in consultation with Government Counsel after ensuring factual accuracy of the case. A copy of the reply so filed may be endorsed to this Department for records.
6. However, all fresh cases filed in Delhi High Court in the matter may be duly reported to this Department by the Ministry/Department concerned as and when the WPs are received at their end. Further, the counter replies may be filed immediately, under intimation to this Department.

CONFID-- 2 .

7. The Ministries/Departments have also been requested to get their cases tagged/connected with WP No.1225/2019 so that all the cases containing similar cause of action could be heard together.

8. This issues with the approval of Joint Secretary (CS).



(Chandra Shekhar)
Under Secretary to the Govt. of India
Ph: 24624046

To

All Ministries/Departments of Government of India
Ministry/Department of.....
(Director/Deputy Secretary (Admn./Estt.))

New Delhi

ANNEXURE**LIST OF WRIT PETITIONS FILED IN STEPPING UP OF PAY MATTER**

Sl. No.	Court	Case No.	Applicant/ Petitioner	Brief subject	Present status
1	HC	WP No.1225/2019 D/o Filing- 01.02.19	Pramod Sahoo & Ors	The petitioners have challenged the order dated 11.01.19 of CAT in the matter of stepping up pay of senior ASOs with reference to their juniors on promotion as Section Officer. On the basis of the instructions issued by this Department vide OM dated 20.05.2014 and 08.07.2014, the stepping of pay granted to the petitioners were reviewed by the concerned Ministries/Departments. The orders of stepping of their pay were withdrawn on the basis of the findings of the review. The OA filed by the petitioners was dismissed by CAT vide order dated 11.01.19	Being defended by DOPT – Counter reply already filed. <u>An application for early hearing in the matter had also been filed.</u> <u>Next Date of Hearing 02.12.2021</u>
2	HC	WP No.1614/2019	Y.P. Singh	-do-	Being defended by M/o Defence as per the inputs provided by this Department.
3	HC	WP No.1612/2019	Veena Dunga	-do-	Being defended by Cabinet Secretariat
4	HC	WP No.2003/2019	L. Madan Kumar Reddy	-do-	Being defended by Department for Promotion of Industry and Internal Trade (erstwhile DIPP)-Reply filed on 31.07.2019
5	HC	WP No.4115/2019	A.K. Srivastava	-do-	Being defended by Ministry of Drinking Water & Sanitation
6	HC	WP No.2004/2019	Devashish Bhardwaj	-do-	Being defended by Ministry of Defence
7	HC	WP No.1626/2019	Biswajit Guha & Ors	-do-	Being defended by Ministry of Defence
8	HC	WP No.1617/2019	Arun Kasnal & Ors	-do-	Being defended by Ministry of Defence
9	HC	WP No.6675/2019	Vijay Sachdeva	-do-	Being defended by Ministry of Defence

10	HC	WP No.2706/2019	Manoj Kumar Nirbheek	-do-	Being defended by D/o Agri., Co-op. & Farmers Welfare
11	HC	WP No.4862/2019	Ambuj Bajpai & Ors	-do-	OA was defended by MHRD. Requested them to defend the case.
12	HC	WP No.1615/2019	P.S. Thakur	-do-	Department of Consumer Affairs had been requested to defend the case
13	HC	WP No.8915/2020	H.C. Rai	-do-	Department of Revenue has been requested to defend the matter.