

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.142/2002

This the 16th day of January, 2002.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.K.AGRAWAL, MEMBER (A)

B.Venkataswami S/O Chandrayya,
R/O B-3/172, Sector 34,
'ARAVALI',
Noida (UP).

... Applicant

(By Shri S.L.Lakhan Pal, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of
Surface Transport, Sansad Marg,
New Delhi-110001.
2. Director-General,
Directorate-General of Lighthouses
& Lightships, Ministry of Surface
Transport, Govt. of India,
Deep Bhawan, A-13 Tulsi Marg,
Sector 24, Noida-201301 (UP).
3. Secretary to Government of India,
Ministry of Finance, Department of
Expenditure (Implementation Cell),
North Block, Central Secretariat,
New Delhi-110001. ... Respondents

O R D E R (ORAL)

Hon'ble Shri Justice Ashok Agarwal :

Applicant who is working as a Ferro Printer in the Directorate General of Lighthouses & Lightships, Noida, by the present OA seeks parity of pay scale with Ferro Printers in CPWD. Applicant had earlier instituted OA No.20/2000 setting up the said claim. The OA was disposed of by an order of 29.11.2000 with a direction to the respondents to consider the aforesaid claim within a stipulated period of three months. Respondents have in terms of the aforesaid directions passed the impugned order of 9.5.2001 denying the applicant parity as claimed. It has inter alia been pointed out that the pay scale of the post of Ferro Printer in CPWD has always

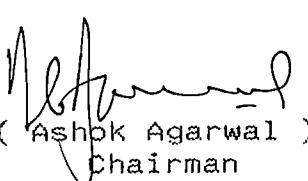
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been higher and the eligibility criteria prescribed for the post in CPWD are also higher than those prescribed for the identically designated post in the Department of Lighthouses and Lightships., and as such, these posts cannot be equated. The Fifth CPC has also not made recommendation in respect of the said posts in the Department of Lighthouses and Lightships. In our judgment, the grounds ^{assigned} are just and cogent. The same cannot be successfully assailed. Moreover, the Supreme Court has time and again pointed out that it is no business of the Tribunal to fix pay scales. Fixing pay scales is best left to be decided by expert bodies like the Government or the Pay Commissions. While fixing the pay scales, various factors have to be taken into account, such as qualifications, nature of duties, channel of promotion etc. Fixing pay scales, it has been pointed out by the Supreme Court, has a cascading effect and the same should not be resorted to.

2. Applicant has also as a sequel to the aforesaid prayer for grant of pay scale, prayed for grant of promotion. Since the first prayer is being rejected, the second will ~~also~~ no longer survive.

3. In view of the aforesaid reasons, we find that the present OA is devoid of merit and the same is accordingly dismissed in limine.


(S.K. Agrawal)
Member (A)


(Ashok Agarwal)
Chairman

/as/