

(12)

Central Administrative Tribunal  
Principal Bench

O.A. No. 2405 of 1999

New Delhi, dated this the 8<sup>th</sup> January, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri M.K. Agarwal,  
S/o late Shri J.P. Agarwal,  
Director (Designs)  
Ministry of Surface Transport,  
R/o D-809, Laxmi Bai Nagar,  
New Delhi-110023.

.. Applicant

(By Advocate: Shri M.L. Chawla)

Versus

1. Union of India through  
the Secretary,  
Ministry of Surface Transport,  
Transport Bhawan,  
1, Parliament Street,  
New Delhi-110001.

2. Jt. Secretary (Admn.),  
Ministry of Surface Transport,  
Transport Bhawan,  
New Delhi-110001.

.. Respondents

(None appeared)

ORDER

S.R. ADIGE, VC (A)

Applicant seeks placement in the pay scale of Rs.14300-18300 which he states is commensurate with the pay scale of Rs.3700-5000 in which he was placed ever since he was promoted as Director (Designs) w.e.f. 1.2.94. Arrears of pay and interest are also claimed.

2. It is not denied that applicant is holding the post of Director (Designs) in the pre-revised pay scale of Rs.3700-5000 w.e.f. 1.2.94 (Annexure A-6). Applicant contends that his pay

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scale has been wrongly fixed, and as per Para 50.45 of the 5th Pay Commission report, he should be placed in the high scale of Rs.14300-18300 admissible to Superintending Engineers because according to him the aforesaid post is equivalent to that of Superintending Engineer and is also a part of the Engineering Cadre in Government.

3. These contentions are unacceptable. The relevant Recruitment Rules (Annexure A-7) describe the post of Director (Designs) as a General Central Service Group A Gazetted non-ministerial post and not a post belongs to any organised Engineering cadre. Respondents themselves in their presentation to 5th Pay Commission (copy enclosed with respondents' reply) have stated that the post of Director in the wing, is equivalent to that of Dy. Secretary. It is true that Superintending Engineers who belong to Group A Engineering Service and were in the pre-revised scale of Rs.3700-5000 have been placed in the revised scale of Rs.14300-18300 as per para 50.40 of the 5th Pay Commission report, but as applicant does not belong to the Engineering Services he has been placed in the normal replacement scale of Rs.12000-165000 as per 5th Pay Commission's recommendations.

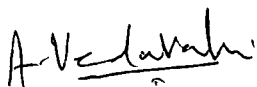
4. It must be remembered that the 5th Pay Commission was an extremely high level expert body presided over by a Supreme Court judge, which made its recommendations after exhaustive effort and in


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great detail. The Hon'ble Supreme Court in a catena of rulings has cautioned Courts/Tribunals in interfering with its recommendations, unless there are overwhelming reasons to do so.

5. In the present case, we see no such reasons to do so. The post held by applicant does not belong to the Group A Engineering Service, but has been described in the relevant Recruitment Rules framed under Article 309 of the Constitution as a General Central Service Group A Non-Ministerial post. No materials have been shown to us to enable us to conclude that the aforesaid post is equivalent to that of an S.E. On the other hand, there are materials (respondents' own presentation to 5th Pay Commission) on record equating the aforesaid post with that of a Dy. Secretary.

6. We, therefore, find ourselves unable to intervene in this matter. The O.A. is dismissed. No costs.

  
(Dr. A. Vedavalli)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

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