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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 1196/1998

New Delhi this the 29th day of June, 1998

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Amal Kanti Kanjilal S/O Lalit Mohan Kanjilal,  
Retd. Central Govt. Pensioner,  
R/O Ganguli Bagan Govt. Quarters,  
Flat No. T-7, Block No. 16,  
Calcutta-700047. ... Applicant

( None present )

-Versus-

1. Union of India through  
Secretary, Ministry of Finance,  
Department of Expenditure,  
Govt. of India,  
New Delhi.
2. Secretary, Ministry of  
Personnel, Public Grievances & Pensions,  
Dept. of Pension and Pensioners  
Welfare, Govt. of India,  
New Delhi-110001. ... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

There is an application dated 1.6.1998 by the applicant stating that his application may be decided in his absence. As he has not engaged an advocate, it has further been mentioned that without awaiting engagement of an advocate his application may be decided on merits and grounds stated in the application. Accordingly, we went through the application.

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2. The applicant had retired before 1.1.1996. By this application, he wants that benefit of the Fifth Pay Commission be extended even to persons like him who retired before 1.1.1996. Besides this main relief, he has made a prayer for certain other consequential reliefs.

3. The relief prayed for cannot be granted for the simple reason that for implementation of any recommendations of Pay Commission some cut-off date has to be taken. If the prayer of the applicant is accepted, another employee who retired from a date earlier than that of the date of retirement of the applicant would also come forward with a similar prayer. In this way there will be a flow of litigation.

4. A further prayer is that according to the recommendations of the Fifth Pay Commission, pensioners who retired before 1.1.1996 and thereafter, were to be treated alike. However, the Government did not accept this recommendation and treated pensioners retiring after 1.1.1996 as a different class from those who retired prior to 1.1.1996. No direction can be given to the Government to accept all or any particular recommendation of the Pay Commission. We can only see if the recommendation accepted by the Government results in any unreasonable classification or differential treatment to persons belonging to a

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particular class. Looked from this angle, we find that there is no such violation of Article 14 of the Constitution. We, therefore, find no case for interference in this OA. Accordingly, it is hereby dismissed.

*JK*

( K. M. Agarwal )  
Chairman

*R.K.Ahooja*  
( R. K. Ahooja )  
Member (A)

/as/