

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 146/98
MA 2472/98

New Delhi this the 15th day of January, 1999.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri N. Sahu, Member (A)

In the matter of

Vinod Kumar Kaul
Indian Police Service (Retd.)
resident of A-9 Pamposh
Enclave, Greater Kailash-I,
New Delhi-110048

... Applicant

(Applicant present in person)

Versus

1. Union of India through the
Cabinet Secretary to the
Govt. of India, Rastrapati Bhavan,
New Delhi.
2. The Secretary to the Govt. of India
Ministry of Personnel, Public
Grievances and Pensions,
Department of Pension and Pensioners'
Welfare, Central Sectt., North Block,
New Delhi.
3. The Secretary to the Government of
India, Ministry of Finance, Department
of Expenditure, Central Sectt.,
North Block, New Delhi.
4. The Secretary, Govt. of India,
Ministry of Home Affairs,
Central Sectt., North Block,
New Delhi.

... Respondents

(By Advocate Sh. V. S. R. Krishna)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

We have heard the applicant on OA and MA and Shri
V. S. R. Krishna, learned counsel for the respondents.

2. This OA ^{is} listed with OA 2794/97 as the issues raised
in these two OAs ^{are} similar. Today, in OA 2794/97, MA 121/99
has been allowed wherein the applicant has stated that as the
UOI has passed necessary orders with respect to the reliefs prayed
for in that OA, he seeks permission to withdraw the same which

has been allowed.

3. However, the applicant in OA 146/98 has submitted that even though the two applications have been tagged together, he feels that the prayer in paragraph 8(d) still survives.

4. We have heard both the parties on this prayer. The prayer is as follows:-

" To direct the Respondents to give all the pensionary benefits to the Applicant as recommended by the Fifth Central Pay Commission, including the merger of Dearness Relief as per Para 138.17 of the Commission's recommendations, and to refix the consolidated pension of the Applicant as on 1.1.1996 accordingly."

According to the applicant, non acceptance by the Govt. to the recommendations of the Fifth Central Pay Commission is violation of his right under Articles 14 and 300A of the Constitution. On the other hand, Shri Krishna, learned counsel submits that no such directions as prayed for in the OA in paragraph 8(d) can be granted because it is a policy decision and it is for the Govt. to consider the matter taking into account all the facts and circumstances relevant to the situation. Shri Krishna, learned counsel also relies on the judgement of this Tribunal dated 29.6.98 in OA 1196/98 (Amar Kant Kanjial Vs. UOI and Ors) wherein it has been held that " no direction can be given to the Govt. to accept all or any particular recommendation of the Pay Commission."

5. We have carefully considered the submissions made by the learned counsel for the parties.

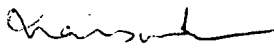
6. The directions sought by the applicant are that the Govt. should accept particular recommendations of the Fifth Central Pay Commission, which according to the applicant flows from acceptance of certain other recommendations. It is settled law that in a policy matter, no such directions can be given to the Govt. We are also in respectful agreement with the observations


1/3

made by the Tribunal in OA 1196/98(PB) in order dated 29.6.98. (14)

2. In the result, we find that there is no violation of ^{as claimed by the applicant} Article 14 or Article 300A of the Constitution, to warrant any interference in the matter. As we find no merit in this application, the same is accordingly dismissed.

No order as to costs.


(N. Sahu)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

sk