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Central Administrative Tribunal
Principal Bench, New Delhi.

D.A. No. 524/95

New Delhi, this the 3rd of April, 1995.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)
HON'BLE SHRI B.K. SINGH, MEMBER (A)

Asha Rani Saxena
W/o Shri F.C. Saxena,
R/o Type III/19,
President's Estate,
New Delhi, working as
Telephone Operator in the
President's Secretariat,
New Delhi.

Applicant

(By Shri F.C. Saxena, Advocate)

Versus

Secretary to the
President of India,
President's Secretariat,
New Delhi.

Under Secretary (Admn.),
President's Secretariat,
New Delhi.

Respondents

(By none)

JUDGEMENT (ORAL)

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

The applicant has been working as a Telephone Operator in Telephone Exchange President's Secretariat since 1969. She has harboured a grievance that Third Pay Commission made certain recommendations but those have not been fully implemented though Fourth Pay Commission has intervened. But it is admitted to the learned counsel that Fourth Pay Commission has given better pay scales to the / telephone operators who are working in President's Estate.

2. The grievance of the applicant is that whole of the

recommendation given by the Third Pay Commission has not since been accepted particularly there are no avenues of promotion and for that either grade of the Telephone Operator be merged with grade of L.D.C. or U.D.C. to make avenues for further promotion of such telephone operators. The applicant had made a representation in June, 1993 a copy of which has been annexed with the Original Application. Since the applicant has not been served with a reply, the present application has been filed by the applicant on 16th of January, 1995 and the relief prayed for is that a direction be issued to the respondents that either the recommendation given by the Third Pay Commission to merge the telephone operators with the clerical staff such as L.D.C. or U.D.C. as the case may be or the scheme which is being followed in P & T may be allowed. The respondents may be directed to send some better suggestion to the 5th Pay Commission for better conditions of service of the telephone operators. It is also prayed that an order be passed for creation of two additional post of Monitor in the Exchange for which justification were already given to the Government of India.

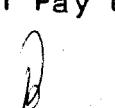
3. We have heard the learned counsel Shri F.C. Saxena at length. We are not persuaded by the arguments to admit this application obviously because there is no *prima-facie* case at this stage to be gone into for decision of the issues raised in the original application. When an Expert Body had already been constituted by the Central Govt. and the same is going into the conditions of service, avenues of promotion, grant of benefits during service and after retirement and adequate pay scale for the job done by the employees, this Judicial Forum cannot be

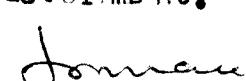
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utilized simultaneously parallel to the working of the 5th Pay Commission for considering the benefits of promotion of the applicant or for creation of posts or to lay down certain guidelines for framing the policy in the matter of grant of certain better prospects in the service career of telephone operators particularly the applicant. The law has been clearly laid down in the case of State of U.P. V/s. J.P. Chaurasia reported in AIR 1990 SC page 19 where the Hon'ble Supreme Court of India has held that a matter regarding the equivalent of pay with the post should not be tinkered with by the Courts as it is an Expert Body which can fairly exercise its discretion in giving suitable post, pay commensurate with the job done by the employee.

4. In view of the above facts and circumstances we do not find that any case is made out for admission at this stage. The learned counsel for the applicant also argued that one similar case had already stood admitted in the year 1991 but that will not make out a ground to admit this case at this stage obviously because the 5th Pay Commission is seized of the matter which was not the position to the petitioner who filed any petition whatsoever in the year 1991.

5. The present application, therefore, is dismissed as premature with liberty to the applicant to assail the grievance, if any, survives after the recommendations of the 5th Pay Commission, if ^{are} any, /accepted by the Government.


(B.K. SINGH)
MEMBER(M)


(J.P. SHARMA)
MEMBER (J)

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