

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A. NO. 821 of 1995

Decided on : 4.5.1995

CORAM :

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN

HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Biri Singh ... Applicant
(By Shri O. P. Bhatia, Advocate)

Versus

Union of India & Anr. ... Respondents

1. Whether to be referred to the Reporter ? Yes
2. Whether to be circulated to all Benches ? Yes


(S. C. Mathur)
Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
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New Delhi this the 4th day of May, 1995

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER(A)

Shri Biri Singh S/O Parmanand,
R/O 1-133, IARI Qrs. Krishi Kunj,
Inderpuri, Delhi-12. ... Applicant

(By Shri O. P. Bhatia, Advocate)

Versus

1. Union of India through
Secretary, Ministry of
Urban Development,
Nirman Bhawan, New Delhi.
2. The Land & Development Officer,
Ministry of Urban Development,
Nirman Bhawan, New Delhi. ... Respondents

ORDER (ORAL)

Shri Justice S. C. Mathur —

The applicant invokes the principle of equal-pay-for-equal-work. As submitted by the learned counsel, the applicant was appointed to the post of Surveyor on 22.8.1990. The Fifth Pay Commission has started functioning since the year 1994. The applicant admittedly did not approach the Pay Commission. The applicant claims to have preferred representation to the Central Government on 13.7.1994. According to the learned counsel, the applicant has received no reply to that representation. If no reply has been received or even otherwise, the applicant had to approach the Commission. It has been held by courts that the Pay Commission is an expert body and is in a better position to examine the claims of equal-pay-for-equal-work. In our opinion, the failure on the part of the applicant to approach the Commission

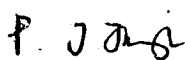
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indicates that the applicant is not serious about the adjudication of his claim.

2. Learned counsel has submitted that approach to the Pay Commission will be futile as the Pay Commission will not be entitled to give relief to the applicant with effect from 22.8.1990 and the applicant's claim is that he is entitled to higher pay with effect from that date. If that is so, the cause of action accrued to the applicant on 22.8.1990 and he should have approached this Tribunal within one year as provided for in Section 21 of the Administrative Tribunals Act, 1985. It also needs to be pointed out that the Pay Commission will only give recommendation with regard to the scale of pay which may be allowed to the applicant. The date from which the revised ^{scale} pay shall be available to the applicant will have to be decided by the Government. The Government is fully competent to grant higher pay with effect from a date earlier to the date of the notification. Accordingly, we are not satisfied that the applicant could not have obtained the relief which he seeks from the Tribunal, through the Pay Commission and the Government.

3. In view of the above, the application is dismissed in limine.


(P. T. Thiruvengadam)
Member (A)


(S. C. Mathur)
Chairman

/as/