

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.1046/96

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 23rd day of February, 2000

C.K.Sharma  
s/o Sh. Shiv Charan Sharma  
r/o 5/4 I T I Campus  
Vivek Vihar  
Delhi - 110 095.

.. Applicant

(None

Vs.

1. Government of N.C.T. of Delhi  
through its Chief Secretary  
Sham Nath Marg  
Delhi - 54.
2. Secretary  
Department of Training & Technical Education  
C-Block Vikas Bhavan  
New Delhi - 110 002.
3. Director General (Employment & Training  
Ministry of Labour Govt. of India  
Sharm Shakti Bhawan  
New Delhi.

... Respondents

(None)

O R D E R (Oral)

By R.K.Ahooja, Member(A) .

None appears for the parties even on the second call. Since this matter pertains to 1996 the same is being disposed of in terms of the Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The applicant was appointed as a Lecturer in the Department of Training and Technical Education under the Government of N.C.T. of Delhi in the pay scale of Rs.700-1100 (revised to Rs.2200-4000 after the Fourth Pay Commission) w.e.f. 13.3.1979. He was thereafter appointed as Senior Surveyor/Principal in the same pay scale w.e.f. 4.8.1983 after selection through the

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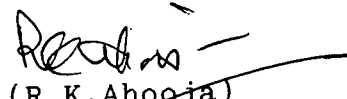
UPSC. On 21.8.1984 he was posted as Principal, Industrial Training Institute, Shahdara which is the 3rd big institution in Delhi with sanctioned strength of more than 1000 trainees and more than 150 staff. The duties of the Principal of the Institute are also multifarious and arduous. He says that after he was transferred on promotion w.e.f. 31.10.1991 as Assistant Director/Dy. Apprenticeship Advisor/Sr. Scale Principal in the pay scale of Rs.3000-4500, the respondents themselves appointed a person as Principal, Industrial Training Institute, Shahdara who was in the senior pay scale of Rs.3000-4500 even though the post carried the lower pay scale of Rs.2200-4000. He further states that the respondents realising the importance of the post have also made a recommendation to the Government of India for upgrading the pay scale of the post of Principal to that of Rs.3000-4500. The relief sought for by the applicant is that the respondents should revise the pay scale of post of Principal, Shahdra Institute to Rs.3000-4500 from the date he took over as a Principal of the said Institute with retrospective effect.

3. We do not find any merit in the case of the applicant. The applicant had worked as Principal of the Institute from 1984 to 1991 but has come before the Tribunal only in 1996. Apart from latches, the applicant could not have merely on the strength of his posting claimed higher pay scale unless he was otherwise due for promotion and had been approved for the said promotion in terms of the Recruitment Rules in order to obtain the pay scale of Rs.3000-4500. As to whether the post of Principal, Shahdra Institute

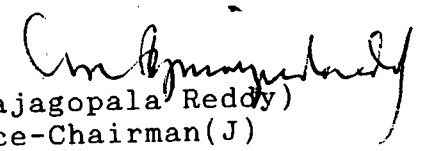
or

should carry higher pay scale is also a matter which falls within the domain of executive policy and no direction can be given by the Tribunal in regard to the fixing up of a particular pay scale on the ground that the responsibilities and powers will justify such an higher pay scale. The Supreme Court has also held in Union of India & Others Vs. P.V.Hariharan, JT 1997(3) SC 569, that the pay fixation is a function of the Government and not that of Administrative Tribunals. 7

4. In the result, finding no merit in the OA, the same is dismissed. No costs.

  
(R.K. Ahooja)  
Member(A)

/rao/

  
(V. Rajagopala Reddy)  
Vice-Chairman(J)