

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO.357/94

9

New Delhi, this the 6th day of January, 1995

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri B.K. Singh, Member (A)

1. HC Surinder Singh s/o Shr Dev Karan,
No.902/PCR, New Delhi.
2. HC Ram Pal s/o Sh. Sumer Singh,
IGI Airport, New Delhi.
3. HC Om Parkash s/o Sh.S.N. Yadav,
No.1256 PCR, South West Zone-IV,
New Delhi.
4. HC Sumer Singh s/o Sh. Ram Narain,
10th BN. DAP, Pitampura,
New Delhi.
5. HC Sita Ram s/o Shri Chinta Mani,
C/o DCP, IGI Airport, New Delhi.
6. HC Gajraj Singh s/o Sh. Raghbir Singh,
No.9090/DAP 8th BN. Malviya Nagar,
New Delhi.
7. HC Balbir Singh s/o Shri Lashkasi Ram
South Zone PCR, New Delhi.
8. HC Ghasi Ram Meena s/o Shri R.N. Meena,
3/F FRRO, New Delhi.
9. HC Babu Lal s/o Sh. Sheo Narain,
No.1585/PCR South Zone PCR, New Delhi.
10. HC Bholu Ram s/o Sh. Chiranji Lal,
402/88 Special Branch, PHQ, New Delhi.
11. HC Ishwar Chand s/o Shri Jagan Nath,
No 9/SW, South West Delhi Distt.
12. HC Babu Ram S/o Beheri Lal,
708/PCR South Zone, PCR, New Delhi.
13. HC Rahimuddin s/o Sh. Bashir Ahmad,
1707/PCR, South Zone, PCR, New Delhi.
14. HC Shiv Shankar s/o Sh. Chulhai Ran,
765/PCR, South Zone PCR, New Delhi.
15. HC Raj Mukar, s/o Sh. Laxmi Narain,
127/SW, South West, New Delhi.
16. HC Virender Singh s/o Sh. Raghbir Singh,
799-PCR, DAP South Zone, New Delhi.
17. HC Rameshwar Dayal, s/o Sh. J.D. Singh,
875/PCR, South Zone, New Delhi

...Applicants

By Advocate: Shri Govind Mukhoty, Sr. Advocate
with Shri V.P. Sharma.

VERSUS

...2.

1. Union of India through the Secretary, Ministry of Home Affairs, Deptt. of Police Organisations, New Delhi.
2. The National Capital Territory of Delhi, through Chief Secretary, Old Secretariat, Delhi.
3. The Commissioner of Police, HQRS Delhi Police, I.P. Estate, New Delhi.

... Respondents

By Advocate: Shri Madhav Panikar
with el. Sup sign

O R D E R (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

The applicants are working as Head Constable in Delhi Police in the scale of Rs. 975-1660. The Union Territory by an act of Parliament has now assumed the status of a State but certain matters are still controlled centrally by the Ministry of Home Affairs i.e. the Central Government. ~~The~~ Chandigarh is a union territory which is also controlled by the Ministry of Home Affairs, i.e. Central Government. The grievance of the applicant is that as Head Constable in Delhi Police, they are discharging the duties of Head Constable which is more arduous than one discharged by the similarly placed Head Constable in Union Territory of Chandigarh. The scale of pay of the Head Constable of U.T./Chandigarh is Rs. 1260-2130 while the scale given to the applicants is Rs. 975-1660. The applicants therefore jointly filed this application for a direction to the respondents praying for the grant of the reliefs which are quoted below:-

Je

(11)

- i) That the Hon'ble Tribunal may be graciously pleased to allow the application of the applicants with costs of the litigation.
- ii) That the Hon'ble Tribunal may be graciously pleased to pass an order of declaration to the effect that the petitioner who are presently working as Head Constables(Executive) in Delhi Police are also entitled for the pay scale of Rs.1260-40-1320-45-1500-50-2000-60-2060-70-2130 w.e.f. 1.1.86 as the same has been allowed to the Head Constables (Executive) of Head Constables serving in Union Territory of Chandigarh Police w.e.f. 1.1.86 or from the date of their promotion as Head Constables alongwith the arrear of difference of pay after allowing the pay scale of Rs.1260-2130 and other consequential relief.
- iii) Direct the respondent No.2 and 3 to send the case of the applicants to respondent No.1 for its consideration of granting the pay scale of Rs.1260-2130 with further direction to respondent No.1 to grant the applicants the pay scale of Rs.1260-2130 w.e.f. 1.1.86 with all consequential benefits.
- iv) Alternatively issue direction to respondents to consider the case of the applicants for the revision of the pay scale keeping the point of difference or responsibilities discharged by Head Constables and Constables of Delhi Police in Executive Branch.
- v) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to applicants.

2. A notice was sent to the respondents and Delhi Administration i.e. Govt. of NCT has filed the reply but the Union of India has not filed any reply. Shri Madhav Panikar, the learned counsel appears for Union of India and on earlier sittings of this Bench

Je

(12)

stated that he will make oral submissions that the applicants are not entitled to the grant of reliefs prayed for by the applicants in the original application.

3. Today we heard Shri Govind Mukhoty, Sr. Counsel assisted by Shri V.P. Sharma. On going through the relief clause, we find that there is alternative prayer for direction to respondents to consider the case of the applicants for the revision of the pay scale keeping the point of difference of responsibilities discharged by Head Constables and Constables of Delhi Police in Executive Branch.

4. When we put this query to the learned counsel for the parties, the learned counsel for the parties agreed that since Vth Pay Commission is still considering for revision of pay scale of Central Govt. including Constables and Head Constables of Delhi Police so a direction be issued to decide the matter as early as expeditiously by the administration making the recommendation whatsoever to the Pay Commission (Vth) then grievance of the applicant at present shall stand satisfied.

5. In view of the above facts, without touching the merits/rival contentions we dispose of this application as follows:

The respondents particularly the Govt. of N.C.T. is directed to make proper suggestions/recommendations to the Vth Pay Commission and the applicants shall lay out the ground on which they want the revision of pay scale by making an effective representation to the respondents within one month from the date of this order. The respondents within 2 months thereafter forward the same to the Vth Pay Commission with their suggestions/comments/recommendations.

The application is disposed of accordingly with no order as to costs.

(B.K. SINGH)
MEMBER(A)

(J.P. SHARMA)
MEMBER(J)