

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

OA No.1087/94, MA-1557/94.

(C)

New Delhi, this the 26th day of May, 1994.

SHRI J.P. SHARMA, MEMBER(J).

SHRI B.K. SINGH, MEMBER(A).

Transport Employees Welfare Association,
through the Secretary, Ram Kishan Dham,
5/9, Underhill Road, Delhi.

2. Shri A.S. Kaushik,
S/o SHri B.S. Kaushik,
r/o: J-21/8, Malviya Nagar, New Delhi.

...Applicants

By advocate : Shri Ranjan Dwivedi.

VERSUS

1. Commissioner-cum-Secretary of Transport,
5/9, Underhill Road, Delhi.

2. Chief Secretary, National Capital Territory Govt. of
Delhi, Govt. of India,
5, Sham Nath Marg, Delhi.

3. Union of India,
Through the Secretary, Ministry of Home Affairs,
South Block, New Delhi. ...Respondents

By advocate : None.

ORDER (ORAL)

SHRI J.P.SHARMA:

The applicant no.1 is a registered association of the Enforcement Branch of the officials of the Delhi Transport Authority. Applicant no.2 is its beneficiary. The association has amongst its members Constable, Head Constable, ASI, SI and Inspectors of the Enforcement Branch of Delhi Transport Department under the Commissioner of Transport and it is alleged that for all purposes, their functions are similar in nature to that which are being performed by the Constables, Head Constables, ASI, SI and Inspectors of Delhi Police/Delhi Traffic Police. The grievance of the association is that there is a great variance in the nature

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and quantum of pay which is being given to the applicants as compared to the Constables and Head Constables and other officials of Delhi Police/Delhi Traffic Police. The learned counsel for the applicants argued that the present O.A. has been filed for a direction to the respondents for giving the applicants equal pay according to the functions they are discharging similarly as being paid to the Constables etc. of Delhi Police/Delhi Traffic Police. The learned counsel has also referred to a decision given in THE CENTRAL JAIL EMPLOYEES ASSOCIATION, NEW DELHI v. UNION OF INDIA AND ANOTHER decided by the Principal Bench on 7-12-90 in OA-80/87 where the applicants had claimed equivalence of pay and post with the persons working in Delhi Police under the Delhi Administration. The relief was granted by the aforesaid Order. The applicants have also given respective pay scales in vogue in both the organisations of Delhi Administration.

2. We have given a careful consideration. It is not denied by the counsel for the applicants that the Fifth Pay Commission for fixing the pay scales of the Central Government employees has started functioning. The Tribunal, therefore, in view of the case of STATE OF U.P. v. J.P. CHORASIA reported in 1989 AIR SC 19, cannot perform itself the functions of an expert body regarding equivalence of pay with the post under different organisations of Delhi Administration. In fact, the matter has to be considered by expert body and that has already come into existence. In view of these facts and circumstances, the present application is disposed of at the admission stage with the direction that the applicants through proper channel may make representations for consideration of the expert body constituted as said above. This application is decided, accordingly. The association shall be free to directly file the representation if the representation sent through proper channel does not reach its destination. No costs.

(B.R.SINGH)
MEMBER(A)

'KALRA'

(J.P.SHARMA)
MEMBER(J)