

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench, New Delhi

O.A.No.286/1989  
M.P.No.295/89

New Delhi, This the 7th Day of March 1994

Hon'ble Shri C.J. Roy, Member(J)

Hon'ble Shri P.T. Thiruvengadam, Member(A)

1. Shri Jayanti Prasad Const. No.2275/DAP  
IIIrd Bn. New Police Lines, Kingsway Camp, Delhi.
2. Shri Bharat Singh Const. No.2450/DAP  
IIIrd Bn. New Police Lines, Kingsway Camp, Delhi.
3. Shri Ram Narin Const. No.3253/DAP  
4th Bn. New Police Lines, Kingsway Camp, Delhi.

...Applicants

By Advocate Shri A S Grewal

Versus

1. Union of India, through the Secretary  
Ministry of Home Affairs, Govt of India, New Delhi.
2. Lt.Governor of Delhi, through Chief Secretary  
Delhi Administration, Delhi.
3. Commissioner of Police, Delhi  
Delhi Police Headquarters, MS.D. Building  
I.P. Estate, New Delhi.
4. Deputy Commissioner of Police  
IIIrd Bn. DAP, New Police Lines, Kingsway Camp  
Delhi.
5. Deputy Commissioner of Police  
4th Bn. D.A.P. New Police Lines, Kingsway Camp  
Delhi.

..Respondents

By Advocate Ms Paramjeet Bainwal  
for Shri J.P. Singh

O R D E R (Oral)

Hon'ble Shri C.J. Roy, Member(J)

1. The applicants filed an MP 295/89 for joining together as they were having common interest in this case.
2. Three constables namely applicant No.1, applicant No.2 and applicant No.3 were appointed on 23.12.1967, 5.9.1962 and 1.3.1970 respectively in the Delhi Police. They are non matriculates. There are two grades for constables in Delhi Police i.e. <sup>for</sup> Non matriculate constables Rs.825-1200 and for Matriculate constables Rs.950-1400. These applicants claim that they have served more than 15 years and as per the instructions they are entitled to be given

the higher pay scale of Rs.950-1400 and therefore  
claim the following reliefs:-

(a) The applicants are entitled for the grant of  
scale of pay of Rs.950-1400 recommended by the  
Fourth Pay Commission and fixation of their pay  
in the said grade w.e.f. 1.1.1986.

(b) The applicants are entitled for the grant of  
'B' grade w.e.f. the date the applicants completed  
15 years of service in the police department in  
the alternative.

(c) Any other relief which this Hon'ble Tribunal  
may deem fit and proper in the circumstances of the  
case be also awarded in favour of the applicants.

3. The respondents have filed their counter stating that  
based on the Fourth Pay Commission Report applicants No.1  
and 2 were granted for their services rendered, matriculate  
grade of Rs.950-1400. The respondents have stated at page  
37 of the paper book para 8 that the applicants No.1 and 2  
were granted selection grade after completion of 15 years  
of satisfactory service i.e. they were given the scale of  
Rs.950-1400, as prayed by them from 1.1.1986.

4. Since the relief claimed by the applicants No.1 and 2  
was granted by the respondents themselves, the issue is no  
longer a matter for our decision. The only point for  
consideration is about the applicant No.3. The respondents  
considered the case of applicant No.3 but could grant him  
selection grade due to his unsatisfactory record.

5. We are satisfied that the applicant No.3 has not made  
out a satisfactory case for our interference in view of the  
unsatisfactory service record as stated by the respondents  
which is not disputed by the counsel for applicant. Under  
the circumstances, the OA is disposed as not pressed by  
applicants No.1 and 2 and dismissed for applicant No.3.

P.J. *Dr.*  
(P.T. THIRUVENGADAM)  
Member (A)

*wsf*  
(C.J. ROY)  
Member (J)