

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH; NEW DELHI

O.A.No. 1797/88

New Delhi this the 30th day of November, 1993

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)
THE HON'BLE MR. B.K. SINGH, MEMBER (A)

Ramjas Pandey,
Son of Shri Shiv Narayan Pandey,
Resident of 113 Police Colony, Haus Khas,
New Delhi-110016

Shri Ramashankar Singh,
Son of Shri Nathuni Singh
Resident of 33 Police Colony, Haus Khas,
New Delhi-110 016

... Petitioners

(None present on behalf of the petitioner)

Vs

The Commissioner of Police,
Police Headquarters,
New Delhi-110 002.

The Chief Secretary,
Delhi Administration,
5 Sham Nath Marg,
Delhi.

The Home Secretary,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Secretary,
Ministry of Finance,
Government of India,
North Block,
New Delhi-110 001.

... Respondents

O R D E R (Oral)

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

The applicant No. 1 is a Head Constable in Delhi Traffic Police and Applicant No. 2 ASI in the 7th Battalion, DAP, Delhi Police. The respondents have issued a circular dated 17.8.1988 (Annexure III) whereby the proposal regarding grant of special pay at double the existing rates as recommended by the Fourth Pay Commission to Delhi Police personnel upto the rank of Inspector was

sent with recommendation by Delhi Administration to Ministry of Home Affairs but the Government has not agreed to the proposal vide their letter dated 28.7.1988 decided not to allow special pay to Delhi Police personnel of the rank of Inspector and below the rank with effect from 1.1.1986. The applicants filed this application jointly and prayed for quashing of the aforesaid Circular dated 28.7.1988 on 17.8.1988 and further a direction to the respondents to continue the grant of the Special Pay.

The application was filed on 19. 8.1988 and has been on board since November, 1993. None is present on behalf of the applicants as well as respondents. Since this was an old matter, we have gone through the pleadings and proposed to decide the case of the applicants on merit. The grievance of the applicant is that the Government, Ministry of Home Affairs has allowed a Special Pay allowance at double the rate to the officers above the rank of Inspector but the recommendations in their favour was not accepted by the Government and turned down which is violative of Article 14 and 16 of the Constitution. The case of the applicant is that they had been given the Special Pay by an Order of 26.2.1965 and even after the enforcement of the Third Pay Commission they continued to get the Special Pay. It was only by the impugned order of 1988 that the Special Pay allowance has been stopped.

The respondents in their reply opposed the grant of the Special Pay to the applicants on the ground that the Fourth Pay Commission has sufficiently taken into account the emoluments of Special Pay in ^{fixing} refusing the pay scales of the Police personnel upto the rank of Inspector and that

scale has been enforced with effect from 1.1.1986 which is also at par with corresponding police personnel in IB/CBI. Thus the applicants have no case. It is also stated that in case of State of Uttar Pradesh vs. J.P. Chaurasia AIR 1989 SC P 19, the Hon'ble Supreme Court has observed that the expert bodies like Pay Commission would be the best judge to evaluate the nature of the duties and responsibilities of posts. If there is any such determination by the Commission/Committee, the Court should normally accept it. The court should not try to interfere with such equation unless it is shown that it was made with extraneous consideration. The averment made in the original application do not reveal any reason or probable ground for grant of the Special Pay on the sole ground that those who were above the rank of Inspectors in Delhi Police are getting the Special Pay. In those case the Fourth Pay Commission has only recommended the replacement scales which were generally agreed to by the Government. The cases of police personnel below the rank of Inspector having gone into separately by the Fourth Pay Commission and they have been given an incentive in accordance with both in the minimum scale as well as in the promotional cadres. Thus this cannot be said to be a case of discrimination. Merely because the police personnel have to shoulder certain arduous responsibilities would not make them entitle for the grant of special pay. The special Pay is an addition to the ordinarily emoluments in consideration of discharge of certain subsidiary duties and may be of arduous nature. The scale of IB/CBI personnel have been made as a criterion for revision of pay scales of various ranks in Delhi Police upto Inspector grade.

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In view of the above facts and circumstances we find no merit on the justification in grant of Special Pay to the Police personnel upto the rank of Inspector. The application therefore dismissed.


(B.K. Singh)

Member(A)



(J.P. Sharma)

Member(J)