

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

Registration(O.A.)No.1940/88

Subhash Chander

Applicant

-vs.-

Union of India & others

Respondents.

HON'BLE MR. JUSTICE K.S.PUTTASWAMY

VICE CHAIRMAN

HON'BLE MR. AJAY JOHRI

MEMBER (A)

(Order made by the Hon'ble Vice Chairman)

This is an application made by the applicant under Sec.19 of the Administrative Tribunals Act, 1985 (Act).

2. On and from 6-1-1987, the applicant is working as a Junior Accounts Officer (JAO) in the time scale of Rs.1640-2900.

3. In office memorandum dated 12-6-1987 (Annexure-2 to the original application) Government of India in the Ministry of Finance, Department of Expenditure, has inter-alia, sanctioned the creation of posts, with different scales of pay as set out in that order. In conformity with the said order, the Deputy Controller of Accounts (HQ) (DCA) by his office order dated 18-11-1987 (Annexure-4) had placed certain officers mentioned therein, in the higher scale of pay of Rs.2000-3200.

4. The applicant claims that the duties performed by him are similar to the duties performed by those to whom higher scales of pay are allowed and therefore he should be extended that very scale of pay.

5. Shri Subhash Chander, the applicant, contends

that

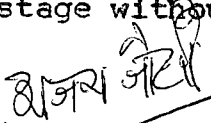
- 2 -

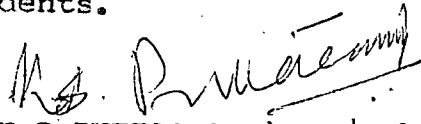
that since he perform the very duties performed by those to whom higher scale of pay of Rs.2000-3200 has been allowed by the DCA, he must also be allowed that very scale of pay and the denial of the same is violative of of Articles 14 and 16 of the Constitution of India.

6. In its order, Government had accorded its sanction to treat percentage of posts as higher posts by designating them as 'functional' or 'selection - grade posts'. On the basis of this order, the DCA had allowed the officers named in his order dated 18-11-1987, the higher scale of pay on adopting the selection criteria stipulated for that purpose.

7. We are of the view that the claim of the applicant that there cannot be higher grades in one and the same cadre, is clearly misconceived. We will even assume that the applicant is performing the very duties performed by those to whom higher scale of pay had been allowed. But, that itself does not attract the vice of Articles 14 and 16 of the Constitution, the true scope and ambit of which has been explained by the Supreme Court in a large number of cases. On the principles enunciated by the Supreme Court, the claim of the applicant is wholly unsustainable.

8. In the light of our above discussion, we hold that this application is liable to be rejected. We therefore reject this application at the admission stage without notices to the respondents.


(AJAY JOHRI)
MEMBER (A)


(K.S. PUTTASWAMY)
VICE CHAIRMAN. 11/10/88

October 11, 1988