

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.11/88

Date of Decision:13.05.1993

R.L. Kapil

Applicant

Versus

Union of India thro'

Civil Defence

Respondents

Ms. Veena Kalra, proxy counsel for

Mrs. Avnish Ahlawat Counsel for the respondents

CORAM: The Hon. Mr. A.B. GORTHI, Member(A)

The Hon. Mr C.J. ROY, Member(J)

JUDGEMENT(Oral)

(delivered by Hon. Member(A) Shri A.B. GORTHI)

This case was listed for hearing on 12.5.93 but none appeared for either side. The case was adjourned for peremptory hearing today, but even today, there is none present for argument, except for the proxy counsel Ms. Veena Kalra, who appears on behalf of the learned counsel for the respondents Ms. Avnish Ahlawat.

2. The applicants herein who are Instructors, Civil Defence, claim parity of pay with that of the Sub Inspectors of the Delhi Police.

3. The applicants' scale of pay, prior to the recommendation of the IV Pay Commission, was Rs.425-700, whereas, that of a Sub Inspector(SI) of Delhi Police was at Rs.425-640. After the IV Pay Commission submitted its recommendations, the pay of the applicants was fixed at Rs.1400-2300, whereas, that of the SIs of Delhi Police was fixed in the scale of Rs.1640-2900. The applicants claim that besides the fact that their scale of pay prior to the recommendation of the IV Pay Commission was higher to that of the SIs of Delhi Police, the nature of duties performed by the applicant's is similar, if not, of higher quality, to that of the SIs of Delhi Police. The applicants, thus, contend that they deserve the same scale of pay as has been granted to the SIs of Delhi Police.

4. The respondents in their reply affidavit have clarified that the IV Pay Commission recommended a scale of pay of Rs.1400-2300 to the SIs of the Delhi Police, but the Central Government, after due examination of the case, decided to grant them the higher scale of pay of Rs.1600-2900. The respondents, further categorically denied that the nature and duties performed by the Instructors in Civil Defence is in any way similar to that of the SIs of the Delhi Police. It is in fact their contention that ^{an} SI of the Delhi Police carries higher responsibility and performs much more dangerous and onerous duties.

5. As regards the applicants' contention that because their pay scale was higher prior to the recommendation of the IV Pay Commission, it cannot by itself be a valid ground for fixation of a higher scale of pay to them, after the IV Pay Commission recommendation. As regards the nature and quality of duties performed by the applicants vis a vis. SIs of Delhi Police, the respondents have categorically stated that the applicants cannot be said to be performing the duties and responsibilities of the same nature or of a higher quality than that of the SIs of Delhi Police. In any case, the question of equation of posts for equal pay must ordinarily be left to the executive Government. They would be best judge to evaluate the nature of duties and responsibilities of the post. It is not for the Tribunal to step into the shoes of the executive and to determine whether the duties performed by the applicants are of the same or superior nature to those performed by the SIs of Delhi Police. In this regard, we may rely on the judgement of the Hon. Supreme Court in the State of U.P. versus J.P. Chaurasia, 1989(5) SLR 788.

6. In view of the above facts and circumstances of the case, we find no merit in the ^{application} ~~case~~ and the same is dismissed. There shall be no order as to costs.

usby
(C.J. ROY)
MEMBER(J)
13.05.1993

lsg
(A.B. GORTHI)
MEMBER(A)
13.05.1993