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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI.

REGN.NO. O.A. 1646/87. DATE OF DECISION: 22.3.1993

N.K. Mann. ... Petitioner.

Versus

Union of India & Ors. ... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER(A).

For the Petitioner. ... None.

For the Respondents. ... None.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

The grievance of the petitioner, who was holding the post of Superintendent of Police in the National Commission for SCs/STs, is for grant of special pay as granted to the Assistant Directors in the Central Bureau of Investigation. The stand taken by the respondents is that the 4th Pay Commission stressed the necessity to limit the number of posts for grant of special pay and after applying its mind indicated specific posts where they have allowed the special pay. It did not include the Superintendent of Police. When the expert body like the 4th Pay Commission has examined the question and did not grant special pay to the holders of this post, we would not be justified in interfering for the purpose of issuing a direction regarding grant of special pay. A declaration has been made that the post of Superintendent of Police in the National Commission is equal to the post of Assistant Director in the Central Bureau of Investigation. Though the post has also been included in the Schedule III-C in the I.P.S.(Pay) Rules, 1954, it is specifically made clear that it is only in respect of appointment

of an I.P.S. officer to the post so that they can get the pay on their appointment on deputation in Central posts. It is, therefore, obvious that the object is only to ensure that the IPS officers are treated on par wherever they are posted. As the petitioner is not an IPS officer, he cannot claim equivalence. We, therefore, see no good ground to interfere. This petition fails and is, therefore, dismissed. No costs.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN

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