

Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. RA- 53/89 In
DA-1750/88

Date: 17-5-89

Shri K. K. Kapur Petitioner

Versus

Union of India & Ors. Respondents

For the Petitioner in person

For the Respondents Shri P. H. Ramchandani,
Senior Advocate.

CORAM: Hon'ble Shri P. K. Kartha, Vice-Chairman (Jud.)
Hon'ble Shri Ajay Johri, Administrative Member.

1. Whether reporters of local papers may be allowed to see the judgement? *Ye*
2. To be referred to the Reporter or not? *N*

(Judgement of the Bench delivered by Hon'ble
Shri P. K. Kartha, Vice-Chairman)

The present petition has been filed by the applicant in DA-1750/88 which was disposed of by the Tribunal's judgement dated 5th April, 1989. In the application, the applicant had prayed for granting to him from 1.1.1986 the benefit of the recommendation of the Fourth Central Pay Commission regarding pay and allowances relating to Private Secretaries in the same manner as it was given effect to in respect of all other Central Government servants. Alternatively, he had prayed that he should be extended the benefit of the same at least from November, 1987 as has been done in respect of other Private Secretaries in the Ministry of Defence of which his Office is a part.

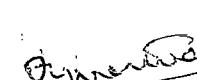
2. After hearing the applicant in person and the learned counsel for the respondents, the Tribunal did not see any merit in the contention of the applicant that he is entitled to the revised pay-scale of Rs.3000-4500 w.e.f. 1.1.1986 or November, 1987. In para.8 of the

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judgement, the Tribunal had observed that the recommendations of the Pay Commission are not binding on the Government and that it is for the Government to take a decision on these recommendations. As regards the recommendation of the Pay Commission to give a higher grade to the Private Secretaries to the Secretaries of the Government of India and equivalent officers, the Government had taken a conscious decision to give it only as a functional grade requiring promotion as per normal procedure. The higher grade will be given only in accordance with the recruitment rules which were proposed for the purpose. As far as the applicant was concerned, he was appointed on ad hoc basis in the revised scale w.e.f. 11.1.1988, when he was so promoted. His counterparts on the Civil Side were promoted only in October, 1987. The Tribunal found that the time-lag between the promotions on the Civil Side and the Defence side cannot be said to be unreasonable.

3. On going through the grounds taken in the present petition, we do not see any error apparent on the face of the record. Nor has the petitioner brought to our notice any fresh facts warranting a review of our judgement. In case the applicant is aggrieved by the decision of the Tribunal, the proper course for him would be to prefer an appeal to the Supreme Court against the judgement and not to seek a review of the same. In the result, the present petition is dismissed.


(Ajay Johri)
Administrative Member


(P.K. Kartha)
Vice-Chairman (Judl.)