

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

25

OA. No.111 of 1990

Dated New Delhi, this 22nd day of September, 1994

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

Hon'ble Shri B. K. Singh, Member(A)

Shri Bal Raj Singh
R/o Wr.No.54, Police Station
Civil Lines
DELHI-110054

... Applicant

By Advocate: None...

VERSUS

The Commissioner of Police
Delhi Police
DELHI.

... Respondents

By Advocate: Mrs Avnish Ahlawat

O R D E R
(Oral)

Shri J. P. Sharma, M(J)

The applicant was appointed as a Constable(M.T. Helper) at the relevant point of time and has assailed the order dated 24.11.89 issued by the Deputy Commissioner of Police, Delhi rejecting the representation of the applicant dated 14.9.89 regarding grant of equal pay scales to Matric and Non-Matric Constables(M.T. Helper).

2. In this OA, the applicant has prayed for a direction to the respondents to quash the order of denial of higher pay to him and further a direction to regularise the quarter occupied by the applicant at present which was earlier allotted to his father. He has also prayed for payment of difference of pay and allowances and arrears on fixing him in the higher grade of Rs.950-1400 from due date.

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3. This OA was filed in January, 1990, when an interim relief was granted for maintenance of status-quo with regard to quarter No.54 Type-II, Police Station, Civil Lines, Delhi. This order was vacated on 21.5.90. The relief is therefore with regard to the quarter no more exists. The only relief is ... direction to the respondents is whether justified or not in denying higher pay scale to the applicant in the pay scale of Rs.950-1400.

4. Shri B. B. Raval, counsel for the applicant is not present to-day nor anybody is present on behalf of the applicant. Mrs Avnish Ahlawat appears as counsel on behalf of the respondents. Since this is an old matter, we are disposing of the same on merits.

5. It is undisputed that the applicant was appointed as temporary Helper constable in M.T. Section with effect from 9.12.85 in the pay scale of Rs.210-4-226-EB-4-250-EB-5-290 along with usual allowances admissible at that time to Delhi Police personnel. The respondents in their reply has also given the pre revised scale prior to 1.1.86. For Const. Executive who have passed Matric, ^{their} pay scale was Rs.225-5-260-290-EB-6-308. For Non Matric Const. Executive Rs.210-4-250-EB-5-270 and Matric & Non-Matric Const. M.T. Helper, Rs.210-4-226-EB-4-250-EB-5-290. After the implementation of the recommendations of the Fourth Pay Commission, the Matric Const. has been placed in

the pay scale of Rs.950-20-1150-EB-25-1400 and Non-Matric Const. in the pay scale Rs.825-15-900-EB-20-1200. The applicant therefore fall in the latter category being Non-Matric Const. and as such he has been granted that pay scale. The ground taken by the applicant in the OA that there is a artificial classification with regard to the Constable Matric and non-matric and that since both discharge the same function and undergo training, it is therefore violative of Article 14 of the Constitution of India. There are catina of judgement of the Hon'ble Supreme Court that classification of pay and posts can only be judged on the basis of the qualifications, responsibilities between respective comparable persons, the duties discharged by them, the functions performed and any other incidental attribute attached to the comparable posts. Educational qualifications therefore clearly places a person who had passed an examination makes him more efficient in discharge of duties than a person who is unqualified in Matric Examination. The distinction therefore clearly makes two classes by itself, one Matric and the other Non-Matric. Classification is permissible and those who are in different classes, cannot claim equality in grant of pay or other benefits. A non-Matric can only claim equality with a Non-Matric. Thus this averment made in the OA has no basis. The other grounds taken by the applicant with regard to the

Constable (M.T. Drivers) can no more be of any benefit to the applicant when he is still in the grade of Constable. The other averment is that prior to 1980 there was only one pay scale for Delhi Police Constables as well as those in M.T. as Constables and Drivers and that has been changed. The respondents in their, reply have stated that Constable (M. T. Helper) were drawing their basic pay of Rs.210-290 and the Constable (Driver) were drawing pay scale of Rs.260-240 with effect from 1.1.73. In any case the applicant cannot compare himself with the Drivers in Delhi Police though they may be called Constable at the time of their recruitment. Moreover, in the case of Randhir Singh Vs U.O.I. 1982 S.C. the Hon'ble Supreme Court has equated the Driver Constables of Delhi Police with the Constables working in other police organisation, and therefore pay scales were further revised. The applicant therefore cannot claim analogy or equivalence with those Constable Drivers.

6. The other averment made by the applicant is of regularisation of quarter. The applicant cannot assail any claim with respect to a quarter which falls in the pay scale of Rs.950-1400. He can claim only eligible type of quarter in the scale of Rs.825-1200. The learned counsel for the respondents stated that the applicant was provided with a Type-I quarter according to his eligibility. The

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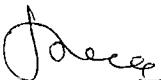
applicant could not be regularised the quarter allotted to his father as he was Driver in the pay scale Rs.950-1400 and was as such entitled to Type-II quarter.

6. The learned counsel for the respondents also pointed out that Type-II quarter is allotted to those who are in the pay scale of Rs.1050 on account of the revised pay scale. The applicant therefore was not entitled for regularisation of the quarter which was in occupation of his father at the relevant time. The Tribunal has vacated that order of retention of the quarter by the applicant as stated above.

7. We do not find any merit in this application having also gone through the records filed by the applicant. The applicant has reiterated his claim of the scale of Rs.940-1400 and on that assertion has given a chart to show that on 1.12.90, he could have got Rs.1050. However, the applicant's basic pay was not Rs.950-1400 but he was in the pay scale of Rs.825. If the amount is calculated on that basis, his pay will not, by addition of one increment, come to Rs.1050 on 1.12.90.

8. The application, therefore, is totally devoid of any merit and substance and is dismissed accordingly, leaving the parties to bear their own costs.


(B. K. Singh)
Member (A)


(J. P. Sharma)
Member (B)