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Central Administrative Tribunal
Principal Bench: New Delhi

OA No.156/91

New Delhi this the 20th day of Nov. 1995.

Hon'ble Shri N.V.Krishnan, Acting Chairman
Hon'ble Shri D.C.Verma, Member (J)

1. G. Keshwan
R/o H.No.29/12
C.V.D.Line Sadar Bazar
Delhi Cantt.
2. Giri Raj
R/o A/5/86, Pachim Vihar
New Delhi-63.
3. Defence Employees Technical Personnel
Association (India) through its
Secretary Prem Chand.

...Applicants.

(By Advcoate; Shri R.S.Yadav)

Versus

1. Union of India through its Secretary
Ministry of Defence
South block
New Delhi
2. The Director General
Ordnance Depot
South Block
New Delhi
3. Commandant Ordnance Depot
Shakur Basti
Delhi-56

...Respondents.

(None appeared for the respondents)

O R D E R (Oral)

Hon'ble Shri N.V.Krishnan, Acting Chairman

The applicants are tentmenders and ropeworkers in the Ordnance Depot, Shakur Basti. The grievance of the applicants is that tentmenders and ropeworkers have been denied arbitrarily the benefits of the revised pay scales fixed by the Fourth Pay Commission for workshop staff. Their claim is that they should be given pay scale of Rs.950-1500 as against which they have been given pay scale of Rs.800-1150. It is in this circumstance that the applicants have prayed for the following directions:

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- (a) Direct the respondents to grant the same pay scale to the tentmenders and ropeworkers, i.e. 950-1500 as given to the other skilled trades, with effect from the date of revision of pay scales by the Fourth Pay Commission;
- (b) Further direct the respondents to grant to the tentmenders and ropeworkers pay scale of Rs. 260-400 from 15th Oct. 1984 to its further revision by the Fourth Pay Commission;
- (c) Further direct the respondents to grant the promotional prospects of two higher grades as given to the other trademen.

2. The respondents have filed their reply contesting the case.

3. When the matter came up for final hearing today, learned counsel of the applicant submitted that the case of the applicants was not considered properly after the recommendations of the Third Pay Commission. The Expert Classification Committee also did not consider their case properly. What he urges is that the posts of tentmenders and ropeworkers are posts of promotion from Mate and on this consideration, a higher pay scale should be given to the applicants.

4. We wanted the learned counsel to tell us whether the Fourth Pay Commission had made any recommendations in respect of pay scales to be given to these categories of employees. There is no averment to that effect in the OA. However, the applicants have produced alongwith the rejoinder a copy of the notification dated 13th Sept. 1986 of the Ministry of Defence notifying the Central Civil Service (Revised Pay Rules) 1986. This enumerates the present pay scales, (i.e. prior to) of various categories of employees/immediately (revision) and revised pay scales w.e.f. 1.1.1986. It is well known that these rules were made following the decision by the Government on the recommendations of the Fourth Pay Commission.

5. Though the learned counsel of the applicant is unable to enlighten us on this point, we are quite clear in our mind that the

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cases of all categories of employees have been dealt with by the Fourth Pay Commission either specifically or in general terms with reference to the pre-revised pay scales. That being the case, the aforesaid notification incorporates the decision of the government based on the recommendations of the Fourth Pay Commission. The applicants are not able to show that these decisions are contrary to the recommendations made by the Fourth Pay Commission.

6. In the circumstances, we are of the view that appropriate revised pay scales of the categories to which the applicants belonged had necessarily been considered by the Fourth Pay Commission which is an expert body.

7. It is not for us, as held by the Hon'ble Supreme Court, to tinker with pay scales which have been fixed on the recommendations of an Expert Body like the Fourth Pay Commission. If the applicants have any grievance and if they feel that they deserve better pay scales, it is open to them to agitate the matter again before the Fifth Pay Commission which has been set^{up} during the pendency of this OA.

8. Under the circumstances, we find that no good ground has been advanced by the applicants for our interference in the impugned orders and accordingly the OA is dismissed, reserving liberty to the applicants to agitate the matter in the context of the recommendations made or to be made by the Fifth Pay Commission.

(D.C.Verma)
Member (J)

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(N.V.Krishnan)
Acting Chairman