

Central Administrative Tribunal  
Principal Bench

OA No.2115/91

New Delhi this the day of 20<sup>th</sup> August, 1996.

Hon'ble Sh. S.R. Adige, Member (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

Harbhajan Singh,  
S/o late Sh. Avtar Singh,  
R/o 83F, Sector-IV,  
Pushp Vihar,  
New Delhi-110052.

...Applicant

(By Advocate Sh. N.S. Verma)

Versus

1. Union of India through  
the Secretary,  
Govt. of India,  
Ministry of Health  
and Family Welfare,  
Nirman Bhawan,  
New Delhi.

2. The Director General  
of Health Services,  
Nirman Bhawan,  
New Delhi.

...Respondents

(By Advocate : None)

ORDER

(Hon'ble Mr. S.R. Adige, Member (A))

Heard the learned counsel for the applicant Sh.  
N.S. Verma. None appeared for the respondents.

2. The applicant who is a Junior Artist in the Central Health Education Bureau (DGHS) in the scale of Rs.1640-2900 is seeking the pay scale of Rs.2000-3500 w.e.f. 1.1.86 on the ground that the post of Junior Artist in Central Health Education Bureau of Family Welfare (Plan) Govt. of India and the post of Senior Artist in the Ministry of Information and Broadcasting carry that pay scale. The applicant bases his case on the principle of 'equal pay for equal work'.

A

3. All of us are aware that the Fifth Pay Commission's recommendations are expected to come out very shortly. That being the position, we are of the considered view that we would not be justified in examining this matter on merits at this stage. In this connection, we note that the respondents in their O.M. dated 23.5.95, which is taken on record have conceded that the representation made by the applicant to the Fifth Pay Commission is genuine and they have recommended that the pay scale/post held by the applicant be upgraded to Rs.2000-3500.

4. In this connection, in somewhat similar circumstances, the Delhi Veterinary Assistant Engineers had sought for parity in pay scales with their counter-parts in the Central Government and Chandigarh Administration w.e.f. 1.1.73, i.e., with effect from the date of the Third Pay Commission. When the matter came up before the Hon'ble Supreme Court in April, 1984, the Fourth Pay Commission had been constituted. Noticing that fact the Hon'ble Supreme Court in their judgement dated 12.4.84, reproduced in AIR 1984 SC 1221 dismissed<sup>ed</sup> the prayer leaving it open to those petitioners to represent before the Fourth Pay Commission. In this connection, it was also urged before them that the Fourth Pay Commission would not be making any recommendation in respect of the period between 1973 and the date the Fourth Pay Commission's recommendations, would come into force, but having regard to<sup>the</sup> long delay on the part of the petitioners in approaching the Hon'ble Supreme Court the

B

prayers pertaining to that period were also negatived.

5. We hold that the ratio of that ruling is fully applicable to the facts of the present case, particularly when the recommendations of the Fifth Pay Commission are expected very shortly.

6. Thus holding that we would not be justified in examining this matter on merits and intervening judicially in it at this juncture, we dismiss this O.A. No costs.

*A Vedavalli*

(Dr. A. Vedavalli)  
Member (J)

*S.R. Adiger*

(S.R. Adiger)  
Member (A)

'Sanju'