

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.618/91

Dated this the 12th of September, 1995.

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

1. Shri J.C. Wadhwa,
S/o Shri Tota Ram Wadhwa,
R/o 145, Shakti Vihar,
Delhi-34.
2. Shri S.S. Bisht,
S/o Shri A.S. Bisht,
R/o RZ 26-P-34, Indra Park,
Palam Colony,
New Delhi 110 045.
3. Shri N.C. Dhaiya,
S/o Shri Kanhya Lal,
R/o Chander Lok, Delhi 110 034.
4. Shri Mohinder Singh,
S/o Shri Kanshi Ram,
R/o 64, Pocket F-18,
Sector 8, Rohini, Delhi. ... Applicants

By Advocate: Shri Inderjit Sharma.

versus

1. Union of India through
Ministry of Surface Transport,
Transport Bhawan, New Delhi.
2. Secretary to the Government of India,
Ministry of Finance,
New Delhi.
3. Chief Secretary,
Delhi Administration,
Delhi. ... Respondents

By Advocate: Shri K.C. Sharma by Shri Ajay Kumar.

O R D E R (Oral)
(By Hon'ble Shri S.R. Adige)

In this application, Shri J.C. Wadhwa, Motor Licensing Officer (retired) has prayed for a direction to restore the equation of post of MLO with the post of DSP/ASP. The learned counsel for the applicant has stated during hearing that due to typographical error, the DSP has been shown as ACP in the relief clause(i)

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and MVI in the post of Inspector of Police. The second relief prayed is for restoration of equation in pay scales also.

2. The applicant's case is that prior to 1973, the pay scales of the post of MLO and the prevalent post in the police department were at par. Similarly, the post of Inspector in the Delhi Police was equivalent to that of MVI. Consequent to recommendation of the III Pay Commission, the MLO was given the revised pay of Rs.650-960 while the DCP/ACP was given the revised pay of Rs.650-1200. The prayer now made is that the equation that existed prior to III Pay Commission, be restored to them.

3. The respondents in their reply have challenged the OA stating that the disparities between the pay scales of MVI/VLO in the Transport Department and Inspector DSP occurred in the year 1973 after the implementation of III Pay Commission. The then MVI represented for removing the disparity but the same was rejected on 6.9.74. The IV Pay commission also did not consider to bring the pay scales at par with that of the Police Department and the representation of the applicant was rejected by the Finance Ministry letter dated 29.6.87.

4. The applicant has filed a rejoinder in which he has reiterated the contents of the OA.

5. We have heard the learned counsel for the applicant. None appeared for the respondents when this case was called out today. None appeared for the

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respondents on 11.9.95, 4.9.95, 29.8.95, 22.8.95, 10.7.95 and 7.6.95 either. Under the circumstances, we proceed to dispose of this case on the basis of the materials on record and after hearing the learned counsel for the applicant.

6. In this connection, the learned counsel for the applicant has invited our attention to the comments of the Surface Transport Ministry on the reply filed by the applicant, wherein they have stated that the request of the MLO/CMVI and the MVI deserve consideration. He states that this recommendation was however, rejected by the Ministry of Finance.

7. This OA was filed on 25.2.91 when the V Pay Commission had not been constituted, but after the constitution of the V Pay commission vide notification dated 9.5.94, it is only fit and proper that this prayer for parity in the pay scale between officers in the Transport Department and the officers in the Police Department be considered by the V Pay Commission.

8. In this connection, the ruling of the Hon'ble Supreme Court in State of UP versus J.P. Chaurasia (AIR 1989 (SC) 19) is extremely relevant and is extracted below:-

"The principle of equal pay for equal work no doubt flows from Article 16 of the Constitution, but as pointed out by the Hon'ble Supreme Court in the ruling extracted above, the question whether two posts would depend upon evaluation of duties and responsibilities of the respective posts and its

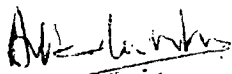
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determination should be left to the expert bodies like the Pay Commission which has the resources and the personnel expertise to conduct such an exercise."

The Hon'ble Supreme Court has further cautioned that the Court/Tribunal should normally accept the Pay commission recommendations.

9. As the V Pay commission was constituted on ~~19.4.95~~^{19.4.95} and is well into its deliberations, it is only fit at this stage to await the recommendations of the Pay Commission. In the event that the case of MLO in the Transport Department has not been placed before the V Pay Commission, ~~the~~^a petition in a representative capacity may be filed even at this stage provided, the V Pay Commission is still accepting the representations, and a copy of that petition may be submitted by the representationists to their parent department, who may forward it to the Pay Commission with their own comments, if so advised.

10. This OA is disposed of with the above observations. No costs.



(Dr. A. Vedavalli)
Member(J)



(S.R. Adige)
Member(A)

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