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CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

O.A. No. 632/93

New Delhi, this the 17th day of July, 1998

HON'BLE SHRI N.SAHU, MEMBER(A)
HON'BLE DR.A.VEDAVALLI, MEMBER(J)

1. Charan Das S/o Sh. Banshi Lal, IIIrd Bn.
2. Devinder Singh S/o Sh. Jaisi Ram of 10th Bn.
3. Rajinder Singh S/o Sh. Bishan Singh Estt. PHQ.
4. Sanjay Kumar S/o Sh. Narai Das, General Branch, PHQ
5. Ram Bir S/o Sh. Ram Singh Board, PHQ
6. Ram Dhan S/o Sh. Sampat Tiwari of Acott. PHQ
7. Pradeep Kumar S/o Sh. A.P. Narang of 8th Bn.
8. Smt. Sarla Devi W/o Sh. Lakmi Chand, PHQ
9. Smt. Saroj Bala W/o Sh. Om Parkash 1st Bn.
10. Smt. Nandi Devi W/o Than Singh of IVth Bn.
11. Rajinder Kumar S/o Sh. Bhoop Singh, 5th Bn.
12. Smt. Urmila W/o Rajinder Singh, IIInd Bn.
13. Gulsharan Kumar S/o Sh. Naranjan Singh, 9th Bn.

✓ All working as Daftry in the various units of I.P. Estate, Delhi Police, New Delhi and C/o Charan Dass, House No. J-27, Police Colony, Model Town, DelhiApplicants

(By Advocate : None)

Versus

1. Union of India through: The Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
2. The Delhi Administration through: its Secretary, Old Secretariat, Delhi.
3. The Commissioner of Police, Delhi Police Headquarters, I.P. Estate, New Delhi.

.... Respondents

(By Advocate Shri Vijay Pandita)

In hand

O R D E R (ORAL)

BY HON'BLE SHRI N. SAHU, MEMBER(A)

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The prayer in this O.A. is for a direction to the respondents to appoint an expert body or a committee for comparison of the duties between the posts of Daftries with the posts of Barbers and Dhobies who are getting higher pay. The applicants who are Daftries claim higher pay-scale of 950-1400 with effect from their date of appointment including arrears.

2. Ld. counsel for respondents Shri Vijay Pandita submitted that this O.A. is barred by limitation as the cause of action arose when the 4th Pay Commission's report was implemented in 1986. The second grievance of the learned counsel is that the applicants had not exhausted the departmental remedy available before coming to this court. He stated that equation of posts and comparison of duties of different posts is a matter to be looked into by an expert body like the Pay Commission. In fact the Govt. appoints Pay Commissions at regular intervals. These expert bodies have considered such alleged anomalies or perceived differences between pay-scales of employees. Shri Pandita submits that this court cannot give a direction for appointment of a Pay Commission for consideration of the grievances of the applicants. Ld. counsel has cited the decision of the Supreme Court in Union of India and ors. vs. P. Hariharan - JT 1997 (3) SC 569. That was also a case where the Tribunal's order fixing a pay-scale for category 'C' was held to be unsustainable in law. It is clearly laid down by the Hon'ble Supreme

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Court that the plea for enforcing the doctrine of equal pay for equal work should be placed before a Pay Commission and its recommendations can be considered by the Government. It is not the function of an Administrative Tribunal. The Hon'ble Apex Court cautioned that interfering with pay-scales fixed by the Govt. on the recommendation of the Pay Commission is a serious matter and unless proper justification exists, there should not be such interferences from the Judiciary.

3. We have considered the submissions of the 1d. counsel for respondents. None is present for the applicant.

4. We are of the view that there is no merit in this O.A. A representation no doubt has been made dated 1.6.92 to the Secretary, Ministry of Home Affairs (respondent no.1) for consideration of the case of Daftries like the applicants working in Delhi Police by an expert body for grant of better promotional avenues and also for grant of higher pay-scale after equating the posts of Daftries to other posts like Dhobies and Barbers. The decision to appoint an expert body to consider in equity different pay-scales at different levels of service is a matter to be considered by the executive as a policy decision.

5. After the 4th Pay Commission's recommendations to which the applicants are aggrieved, the Govt. has also constituted the 5th Pay Commission and these grievances, if they were really genuine, should have

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been considered by the 5th Pay Commission. That apart, as per the law laid down in Hariharan's case, it is only an expert body which can consider this issue. If it has not already been adjudicated by the 5th Pay Commission, it is for the applicants to represent to respondent no.1 highlighting their grievances in this regard. The applicants' case is not merely for equating the pay-scales but for alleviating the pay-scales to other functionaries in a different group. This certainly is not within the jurisdiction of this Tribunal.

6. We, therefore, have no hesitation in dismissing this O.A. We accordingly do so. No costs.



(Dr. A. Vedavalli)
Member (J)



(N. Sahu)
Member (A)

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