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RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 27th day of February, 1996
Original Application No.100 of 1996

District : Kanpur

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Shyam Sunder Sharma,
S/o Shri Raghunandan Prasad Sharma,
Secretary, Central Govt. Industrial Tribunal-Cum-
Labour Court, Kanpur, Resident of
250, Z-1, Hemant Bihar, Barra,
Kanpur-208027.

(By Sri R.S. Misra, Advocate)

. Applicant

Versus

1. Secretary,
Ministry of Labour,
Government of India,
Shram Shakti Bhawan,
New Delhi.
2. Secretary,
Government of India,
Ministry of Personnel & Public Grievances,
New Delhi.
3. Secretary,
Government of India,
Ministry of Finance,
Department of Expenditure,
New Delhi.

. Respondents

ORDER

By Hon'ble Mr. S. Das Gupta, A.M.

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the respondents to implement the recommendation of the IVth Pay Commission and also to allow the ~~basic~~ scale of Rs.2000-3200 for the post of Secretary, Central Govt. Industrial Tribunal-Cum-Labour Court, Kanpur w.e.f. 1.1.1986 together with arrears of pay accruing from 1.1.1986.

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2. The applicant had joined the post of Secretary in the office of Central Government Industrial Tribunal Cum-Labour Court, Kanpur in the ^{Pay} ~~basic~~ scale of Rs.425-700 on 1-2-1985 on deputation. The said post of Secretary carried a special pay of Rs.40/- in addition to the grade pay. Subsequently, the applicant opted for absorption in the office of the Industrial Tribunal-Cum-Labour Court, Kanpur and he was absorbed w.e.f. 26-9-1991. In the meantime, the IVth Pay Commission's recommendations have been published and the pay scale of Central Government employees have been revised on the basis of these recommendations. The applicant is seeking relief on the basis of an observation stated to have been made by the IVth Pay Commission in Para 11.13 of its report. An extract of the observation given in the application indicates that the Pay Commission expressed an opinion that there was a need for bringing some uniformity in the scales of pay below ~~the~~ level of Rs.650-100 and in the designation of supervisory level posts in the offices outside the Central Secretariat. It advised the Government to review the position keeping in view the present levels, duties and responsibilities of the post for supervisory levels and other relevant factors and ~~also~~ recommended three standard levels supervisory posts in pay scale of Rs.1400-2300, Rs.1640-2900 and Rs.2000-3200 with suitable designations. It has been averred that pursuant to this observation of the IVth Pay Commission, the Ministry of Labour invited necessary information ^{and} ~~through~~ suggestions ^{from the} ~~through~~ respective Presiding Officers of the Industrial Tribunal-Cum-Labour Court and accordingly the Presiding Officer under whom the applicant was working also ^{furnished} ~~published~~ necessary information by the letter dated

8-9-1988. It is alleged that since then the matter has not ~~been~~ reached finality and the applicant is working in the pay scale of Rs.1400-2300, which was the conversion scale of the pre-revised pay scale of Rs.425-700, although the special pay was increased from Rs.40/- to Rs.80/-. It is further ~~been~~ alleged that while the pay scale of ^{staff} ~~staff~~ of supervisory levels has been revised upward, the pay scale of Secretary of the Industrial Tribunal-Cum-Labour Courts has not been so revised and as indicated ⁱⁿ ~~the~~ latest communication of Ministry of Finance, the matter is under consideration of the Standing Committee of National Council (JCM). The applicant being aggrieved by the delay in finalisation of the matter and also being apprehensive that unless an immediate decision is taken, he may be prejudiced with regard to the revision of pay scale to be recommended by the Vth Pay Commission, has approached this Tribunal seeking the direction aforementioned.

3. When the case came up for ^{admission} ~~consideration~~, we heard the learned counsel for the applicant and also carefully perused the pleadings in the OA. It is clear from the pleadings that the entire claim of the applicant is based on certain observations made by the IVth Pay Commission. It is also clear that the said observation is not one of the recommendations which have been accepted by the Government and incorporated in the CCS(Revised Pay) Rules. Therefore, the claim of the applicant has no statutory basis. It is for the Government to take a decision in this regard and being a policy matter, it does not come within the purview of courts/tribunals. It is not the case of the applicant that the persons who are discharging similar functions as the applicant have been granted higher scales of pay so far as

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to invoke the principles of 'equal pay for equal work.' In the absence of any such plea and in the absence of any statutory rule conferring a right to the applicant to be granted higher scale of pay, we see no reason to interfere in this matter.

4. In view of the foregoing, this application is dismissed in limine.

J. M. M.
Member (J)

R.
Member (A)

Dube/