

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 503 OF 2009

Tuesday, this the 28th day of July, 2009.

CORAM:

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

K. Ukkas
Radio Operator
Resident of Kandilam House
Kadmat Island, Police Headquarters
Kavaratti

... Applicant

(By Advocate Mr. Sherry J Thomas)

versus

1. Union of India represented by Secretary
Ministry of Home Affairs
New Delhi
2. The Lakshadweep Administration
Represented by its Administrator
Kavarathi, Union Territory of Lakshadweep
3. The Superintendent of Police
Union Territory of Lakshadweep
Kavaratti

... Respondents


(By Advocate Mr.S.Radhakrishnan, (R2-3))

The application having been heard on 28.07.2009, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant through this OA has sought the following reliefs:-

- (a) an order directing the respondents to revise the pay scale of the applicant and place him in the scale of pay of Rs.1600-2600 with effect from 27.12.1993.
 - (b) to consider annexure A-6 and A-7 representations and redress the grievances of the applicant within a time frame manner.
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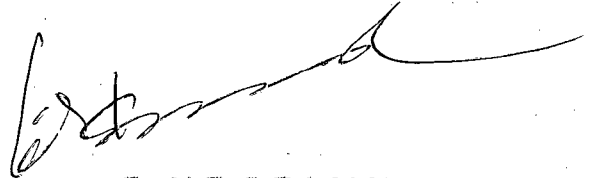
2. At the very outset it can be stated that the applicant's claim is not one of establishing any existing right but one of creation of a new right relating to pay scale. This is our prima facie view. However, viewed from a different angle, that similarly situated individuals in some Union Territories are being placed in the higher pay scale would entitle the applicant to claim parity in pay scale on the doctrine of "equal pay for equal work" provided the functional responsibilities, other terms and conditions, educational qualifications are all comparable, then he may have a case due to hostile discrimination. The applicant's representation for pay parity is stated to be pending with the respondents 2 and 3. Unless the respondents consider the same and spell out their decision, the applicant's approach to the Tribunal may have to be held as pre-mature. Nevertheless, since the representations are pending, we feel it appropriate that the respondents 2 & 3 may consider the same and if satisfied, that the claim of the applicant is reasonable, may take further action with respondent No.1 and communicate the final decision to the applicant.

3. With the above observations, this OA is disposed of. No costs.

Dated, the 28th July, 2009.



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER



Dr. K. B. S. RAJAN
JUDICIAL MEMBER