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CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.NO.355/2002

Wednesday, this the 5th day of June, 2002.

CORAM;

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

T.T.Kasmi Koya,  
Police Constable,  
Kavaratti. - Applicant

By Advocate Mr M Narendra Kumar

Vs

1. Union of India rep. by  
Secretary to Govt. of India,  
Ministry of Home Affairs,  
New Delhi.
2. The Administrator,  
Union Territory of Lakshadweep,  
Kavaratti.
3. The Supdt. of Police,  
U.T. of Lakshadweep,  
Kavaratti. - Respondents

By Advocate Mr P.R. Remachandra Menon, for R2-3)

The application having been heard on 5.6.2002 the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

This is the second round of litigation between the applicant, a Police Constable under the Lakshadweep Administration, seeking parity in pay scale with Police Constables of NCT of Delhi. It is alleged that the Police Constables of Lakshadweep have been discriminated in the matter of pay scale in comparison to their counterparts under

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the U.T. of Delhi. Alleging this disparity, which according to the applicant, is unjustified, the applicant along with others filed O.A.No.1282/1995. That application was considered along with another O.A.No.1289/1995 filed by similar persons. The Tribunal found that there was no justification in not granting the pay scale of Rs.950-1400 to the Police Constables of the U.T. of Lakshadweep and directed the Administrator of U.T. of Lakshadweep to grant the Police Constables under him the said pay scale and directed that from which date arrears should be given, be decided by the Administrator. The matter was carried by the Administration of U.T. of Lakshadweep as also the Union of India before the Hon'ble High Court of Kerala in O.P.No.9838/1998. The Hon'ble High Court of Kerala passed the following order:

"Heard. The position relates to the scale of pay applicable to the Police Constables governed under the Lakshadweep Administration. It is brought to our notice that in similar situation in respect of persons of Andaman and Nicobar Islands the Government has been asked to reconsider the matter. We find that the Tribunal has left the question of retrospectivity to be considered by the Government. That being the position we feel it would be appropriate if the Government also considers the case of the respondents-employees about their eligibility and the proper scale of pay. Since the matter is pending since long it would be appropriate if the decision by the Government is taken by the end of April, 2000."

The applicant in this case, filed a C.M.P.No.10781/2001 for a clarification, but the C.M.P. was dismissed. Thereafter, on a consideration of the claim of the applicant, the impugned order A-3 was issued turning down the claim of the applicant for parity in pay scale with the Police Constables of NCT of Delhi. Aggrieved, the applicant has filed this application for setting aside A-3 and for a declaration that the applicant is entitled to draw a scale of pay equivalent to the scale of pay of the constables in Delhi Administration in scale Rs.950-1400 with effect from 1.4.86 and Rs.3050-4590 from June 1997 onwards and for a direction to the respondents to pay the applicant the scale of pay Rs.3050-4590 with arrears of pay for the time scale of Rs.950-1400 with effect from June 1997.

2. Shri M.R.Suresh, ACGSC took notice on behalf of respondent-1 and Shri P.R.Ramachandra Menon, took notice on behalf of respondents 2&3. The respondents oppose the admission of the application.

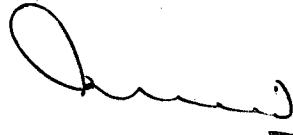
3. We have heard learned counsel on either side and have gone through the material placed on record. The challenge in this O.A. is against the order declining to grant parity in pay scales to the applicant with that of Police Constables of NCT, Delhi. In the impugned order, the reason for the decision has been clearly mentioned. It has been stated that those who have been unfortunately in the pay scale of Police Constables in various Union Territories, the Vth Central Pay Commission also did not recommend uniform pay scales for Police Constables in all the Union Territories and NCT of

Delhi and that as different pay scales have been recommended and since the Police Constables of U.T. of Lakshadweep, Andaman & Nicobar Islands are granted the pay scale recommended by the Pay Commission, the Tribunal may not interfere.

4. We find no reason to entertain this application. It is the prerogative of the Government to prescribe pay scales to various posts and services, taking into account the recommendations made by the Expert bodies like Central Pay Commissions. Since the pay scale of the Constables of U.T. of Lakshadweep has been fixed taking into account the recommendations of the Vth Central Pay Commission, we find no reason to find that the decision taken is either arbitrary or irrational, calling for judicial intervention.

5. In the light of what is stated above, we do not find any reason to entertain this application. Therefore, we reject the application under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated, the 5th June, 2002.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the order in O.A 1489/95.
2. A-2: A true copy of the order dt.27.1.2000 in O.P.No.9838/1998 and 9291/1998.
3. A-3: True copy of the order dt.19.1.2001 received by the petitioner on 26.4.2001.
4. A-4: A true copy of the order dt.21.12.2001.
5. A-5: A true copy of the order dt.4.10.99.

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