

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Dated this Tuesday the 17th day of June, 2003

Coram: Hon'ble Mr.V.K.Majotra - Member (A)
Hon'ble Mr.Shankar Raju - Member (J)

O.A.640 of 1999

Omprakash Shamlal Balmiki,
aged about 28 years,
Sanitary Supervisor,
R/o Followers' Lines,
Quarter No.14/10,
National Defence Academy,
Khadakvasla,
Pune 411 023.

-Applicant

(By Advocate - None)

Versus

1. Union of India
through the Ministry of Defence,
South Block, DHQ Post,
New Delhi.
2. National Defence Academy,
through the Commandant,
Khadakvasla, Pune 411 023.

(By Advocate Sh. R.K. Shetty)
O R D E R (ORAL)

By Hon'ble Mr.Shankar Raju, Member (J) -

None appeared for applicant, even on the second call.

In the previous date 28.5.2003. The OA is, therefore, disposed of in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. Applicant has sought pay scale admissible to Group 'C' post w.e.f. 28.2.1984 with revision and consequential benefits.

3. Applicant was appointed as per SRO, serial No.7 as Sanitary Supervisor in the pay scale of Rs.200-250. He was placed in the pay scale of Rs.775-1150 on the recommendation of the 4th Pay Commission w.e.f. 1.1.86. Applicant was also placed in the pay scale of Rs.2610-3540 w.e.f. 1.1.1986.

4. Applicant in this OA contends that he has been appointed to a Group 'C' post and he should be paid salary in the pay

(2)

scale of Rs.5000-8000 and denial of which is violative of Articles 14 and 16 of the Constitution of India.

5. On the other hand, respondents' counsel by referring to SRO ibid contends that post of Sanitary Supervisor is a Group 'D' post, i.e., civilian in Defence Services Class IV. Accordingly applicant has been paid as per the classification of the post and is not entitled to the scale of pay of Group 'C' post to which he has never been appointed. It is further stated that by way of this OA applicant seeks revision of his pay scale de hors the rules, which is the domain of the expert bodies and this Tribunal has no jurisdiction to interfere with the same.

6. We have carefully considered the pleadings on record and the contentions put-forth by the learned counsel for respondents. As per SRO 21 issued on 4.1.1975 at item No.7 to the schedule, post of Sanitary Supervisor has been classified as civilian in Defence Services Class IV. Accordingly, applicant who was appointed and continued on a Group 'D' post is not legally entitled for a pay scale of Group 'C' post.

7. In so far as revision of the pay scale is concerned, in the light of the decision of the Apex Court in Union of India & Anr. v. P.V. Hariharan & Anr., 1997 SCC (L&S) 838 this Court has no jurisdiction to interfere with the matter of pay scale or creation of pay scale, which has been left to the expert bodies.

8. In the result, OA is found bereft of merit and is accordingly dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
(V.K. Majotra)
Member (A)

'San.'