

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH ~~AT MUMBAI~~
CAMP NAGPUR

O.A. NO: 878/92
T.A. NO:

199

DATE OF DECISION 14.3.1995

C.J. Radhakrishnan & Ors. Petitioner

Shri S.H. Iyer.

Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri R.P. Darda.

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice M.S. Deshpande, Vice-Chairman,

The Hon'ble Mr. M.R. Kolhatkar, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement? M.
2. To be referred to the Reporter or not? M.
3. Whether their Lordships wish to see the fair copy of the Judgement? M.
4. Whether it needs to be circulated to other Benches of the Tribunal? M.


(M.S. DESHPANDE)
VICE-CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH,
CAMP AT NAGPUR.

Original Application No.878/92.

C.J.Radhakrishnan & Ors. ... Applicants.

v/s.

Union of India & Ors. ... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
Hon'ble Shri M.R.Kolhatkar, Member(A).

Appearances:-

Applicant by Shri S.H.Iyer.
Respondents by Shri R.P.Darda.

Oral Judgment:-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 14.3.1995.

The relief that is being sought by the present application is couched in the following words:

- "(a) The Honourable Tribunal may be pleased to issue suitable Writ to the respondents for the merger of JTA (Chemistry)/(Ore-Dressing) in the pre-revised scale of Rs.425-700 (revised to Rs.1400-2300) with STA (Chemistry)/(Ore-Dressing) and place all the post graduates and equivalent qualified candidates as per the recruitment rules prior to 28.12.1983 in the higher scale of Rs.550-900 (Pre-revised)/1640-2900(revised) with effect from the date of 10.2.1983 the date on which the respondents merged JTA (Geology) with STA (Geology).
- (b) The Honourable Tribunal may be pleased to quash the amendment to the recruitment rules notified in G.S.R. 24 dt.28.12.1983, as it concerned to the post of JTA (Chemistry), STA(Chemistry), JTA(Ore-Dressing) and STA (Ore-Dressing).
- (c) The Honourable Tribunal may be pleased to quash the unreasonable and unrealistic classification of JTA/STA(Chemistry) and JTA/STA(Ore-Dressing with two different pay scales and treating the equals as unequal.
- (d) The Honourable Tribunal may be pleased to issue suitable directions to the respondents to fix the pay of the applicants in STA (Chemistry)/Ore-Dressing in the pay scale of Rs.550-900 Pre-revised) w.e.f. 10.2.1983 and in the revised scale of Rs.1640-2900 from 1.1.1986 with consequential benefits, like seniority etc."

2. The grievance of the applicants is that their representation had not been placed by the Respondents for consideration of the IVth Pay Commission. Now that the Vth Pay Commission is holding its delegations, we think that it would be wholly inappropriate for us to take over the matters which an expert body has to consider and the applicants are best left to pursue their remedy before the Vth Pay Commission by making a representation to the Vth Pay Commission. The applicants may make a similar representation to the Respondents within four weeks from to day and the respondents should consider whether they should on their own place the matter before the Vth Pay Commission for its consideration. We are not inclined to go into the several aspects which have been raised by the applicants in the present application because they fall truly within the scope of an expert committee and we do not have the advantage of the reasons of an expert committee for deciding whether the relief sought by the applicants can be granted as the IVth Commission has not said anything on this aspect.

3. With these observations, the OA is disposed of. There will be no order as to costs.

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER(A)

M.S.Deshpande

(M.S.DESHPANDE)
VICE-CHAIRMAN