

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 395/93

Date of Decision: 3.8.1999

C.P.PATHAN

Applicant.

MR.K.S.KALAPPURA

Advocate for  
Applicant.

Versus

UNION OF INDIA & ORS.

Respondent(s)

MR.R.K.\$HETTY.

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice-Chairman

Hon'ble Shri. B.N.Bahadur, Member (A).

- (1) To be referred to the Reporter or not? *no*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *no*

  
(R.G.VAIDYANATHA)  
VICE-CHAIRMAN.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 395/93.

Tuesday, this the 3rd day of August, 1999.

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Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,  
Hon'ble Shri B.N.Bahadur, Member(A),

C.P.Pathan,  
12/14, Rajgir Chambers,  
Room No.60,  
7th floor,  
Shahid Bhagatsingh Marg,  
Opp. Old Custom House,  
Bombay - 400 023 & 4 ors.  
(By Advocate Mr.K.S.Kalappura)

...Applicants.

Vs.

1. Union of India through  
The Secretary,  
Ministry of Defence,  
South Block,  
New Delhi - 110 001.
2. Engineer-in-Chief,  
Army Headquarters,  
Kashmir House,  
DHQ PO,  
New Delhi - 110 011.
3. Chief Engineer,  
Headquarters,  
Southern Command,  
Engineers' Branch,  
Pune - 411 001.
4. Chief Engineer (Navy) Bombay,  
26 Assaye Buildings,  
Colaba,  
Bombay - 400005.  
(By Advocate Mr.R.K.Shetty)

...Respondents.

: O R D E R (ORAL) :

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

In this case, the applicants who are stated to be Lift Mechanics are claiming higher pay scales. The respondents have filed reply opposing the application. We have heard the counsels appearing on both sides.

...2. 

2. The applicants' case in short is that they were working as Lift Operators and were promoted as Lift Mechanics. The pay of the Lift Operators was Rs.800-1150 and for Lift Mechanics it was Rs.950-1500. Subsequently, in view of the Judgment of the Central Administrative Tribunal, the pay scale of Lift Operators is revised to Rs.950-1500. In other words, the applicants' case is that both the post of Lift Operator and Lift Mechanic are now kept in the same pay scale of Rs.950-1500 and thereby a person promoted to a higher post is also given the same pay scale, that is why the applicants want that the pay scale given to them should be revised.

3. The Respondents in their reply have taken the stand that pay revision cannot be done by a Court or Tribunal and the applicants are not entitled to any such higher scale of pay.

4. After hearing both sides, it is now brought to our notice that both the IVth Pay Commission and the Vth Pay Commission has given identical scales of pay to Lift Operators and Lift Mechanics. When an expert body like the Pay Commission has considered the question and has still given same pay scales to both the grades, the applicants' grievance that they should be given a higher pay scale cannot be countenanced by a Court or Tribunal. Therefore, we hold that the applicants' have not made out a case for enhancement of pay scales.

5. Since the applicants' are claiming that they have been promoted as Lift Mechanics from the post of Lift Operators, the question is whether they are entitled to any additional increment as provided under F.R. 22. There are no sufficient pleadings to consider this point. When a person is promoted to another post carrying same pay, he may be entitled to an additional increment

2. The applicants' case in short is that they were working as Lift Operators and were promoted as Lift Mechanics. The pay of the Lift Operators was Rs.800-1150 and for Lift Mechanics it was Rs.950-1500. Subsequently, in view of the judgment of the Central Administrative Tribunal, the pay scale of Lift Operators is revised to Rs.950-1500. In other words, the applicants' case is that both the post of Lift Operator and Lift Mechanic are now kept in the same pay scale of Rs.950-1500 and thereby a person promoted to a higher post is also given the same pay scale, that is why the applicants want that the pay scale given to them should be revised.

3. The Respondents in their reply have taken the stand that pay revision cannot be done by a Court or Tribunal and the applicants are not entitled to any such higher scale of pay.

4. After hearing both sides, it is now brought to our notice that both the IVth Pay Commission and the Vth Pay Commission has given identical scales of pay to Lift Operators and Lift Mechanics. When an expert body like the Pay Commission has considered the question and has still given same pay scales to both the grades, the applicants' grievance that they should be given a higher pay scale cannot be countenanced by a Court or Tribunal. Therefore, we hold that the applicants have not made out a case for enhancement of pay scales.

5. Since the applicants are claiming that they have been promoted as Lift Mechanics from the post of Lift Operators, the question is whether they are entitled to any additional increment as provided under F.R. 22. There are no sufficient pleadings to consider this point. When a person is promoted to another post carrying same pay, he may be entitled to an additional increment

in the new post involving higher responsibilities and duties. There is no pleadings in this aspect. We only give liberty to the applicants' to make appropriate representation to the Administration claiming the benefit of F.R.22. If such a representation is made, it is for the administration to consider whether F.R. 22 is attracted or not, whether the applicants satisfy all the conditions as mentioned in the F.R. and whether they are entitled to any monetary benefits and in such a case, it is also open to the Administration to decide from what date the benefit has to be given. All contentions made in this OA are left open.

6 In the result, the O.A. is disposed of subject to the observations mentioned above. No order as to costs.

B. N. Bahadur

(B.N. BAHADUR)

MEMBER(A)

R. G. Vaidyanatha

(R.G. VAIDYANATHA)

VICE-CHAIRMAN

B.