

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 362 of 1998

Jabalpur, this the 23rd day of January, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri G. Shanthappa, Judicial Member

D.N. Singh, son of Shri  
R.C. Singh, aged about 56  
years, resident of Mahajapur,  
Bewli, post Adhartal, Jabalpur,  
District Jabalpur M.P.,

and 22 others.

... Applicants

(By Advocate - None)

V e r s u s

1. Union of India, through  
the Secretary, Ministry of Defence,  
Govt. of India, New Delhi.
2. Chairman, Ordnance Factories Board,  
10-A Auckland Road, Calcutta (WB).
3. General Manager, Vehicle  
Factory, Jabalpur, District  
Jabalpur M.P.

... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

None is present on behalf of the applicants. Since it is an old case of 1998, we proceed to dispose of the same by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

2. By filing this Original Application the applicant has claimed the following main reliefs :-

"(i) The Hon'ble ..... to declare by appropriate writ or order that the applicants are entitled to the benefit of higher pay scale of Rs. 1200-1800/- with effect from 1.8.1993 with all consequential benefits as per order of the Madras Bench of this Hon'ble Tribunal.

(ii) The Hon'ble Tribunal may be pleased to direct the respondents by a writ of mandamus to grant the benefit of higher pay scale of Rs. 1200-1800/- to the

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applicants w.e.f. 1.8.1993 as given to others by order Annex-A5, instead of 30.07.1996.

(iii) The Hon'ble .....to direct the respondents to fix the applicants in the above pay scale and to pay the arrears of pay due from 1.8.1993 till 30.07.1996 with all other consequential benefits of seniority, promotion etc. etc. and also to pay interest on the amount of salary for the said period at the rate of 18% per annum."

3. The brief facts of the case as stated by the applicants are that the applicants are working as Senior Motor Drivers and Ambulance Drivers in Vehicle Factory, Jabalpur. The applicants have stated that the Ministry of Defence i.e. respondent No. 1 has issued instructions dated 30th July, 1996, to extend the benefit of higher pay scale to the Staff Car Drivers, Senior Motor Drivers and Ambulance Drivers with effect from 30.07.1996. However since they have not been granted this benefit of higher pay scale of Rs. w.e.f. 1.8.93, as has been granted to other similar persons 1200-1800/- they have made representations to the respondents. The respondents have not acceded to the request of the applicants. Hence they have filed this Original Application claiming the aforesaid reliefs.

4. The learned counsel for the respondents have stated that the scheme for providing higher scale to staff car drivers has been issued by the DOP&T on 30th November, 1993. The same is not applicable to the present applicants because in para 4 of the said scheme it is clearly provided that these orders will not be applied in the Ministries/Departments, where drivers already have more than one scale of pay. In this case the drivers are already having more than one scale of pay, hence they are not entitled. He has also drawn our attention to para 1 of the reply. It provides that Ordnance Factories were already having 3 pay scales of Civilian Motor Driver and Ambulance Drivers. The pay scale

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and grade <sup>new</sup> ~~is~~ given below :

- "1) Civilian Motor Driver Ordinary Grade-Rs. 950-1500/-
- 2) Civilian Motor Driver Grade II - Rs.1150-1500/-
- 3) Civilian Motor Driver Grade I - Rs.1320-2040/-

The Ministry of Defence vide letter dated 30.07.1996 has revised the structure of Civilian Motor Drivers and Ambulance Drivers. The same is extracted below :

	<u>Existing</u>	<u>Revised</u>	
CMD (OG)	950-1500/-	950-1500/-	Basic Grade
CMD Gr. II	1150-1500/-	1200-1800/-	9 yrs. as OG
CMD Gr. I	1320-2040/-	1320-2040/-	6 yrs. as GrII"

According to the respondents the scale of Rs. 1200-1800/- has been granted to the applicants with effect from 30.7.96 instead of 01.08.1993. The learned counsel for the respondents also states that earlier similarly placed staff car drivers of the Ministry of Defence had filed OA No. 961/1994 before the Madras Bench of this Tribunal. The Madras Bench only directed the respondents to decide the representations of the applicants. The respondents have considered the representations and rejected the same. The respondents have not granted higher pay scale of Rs. 1200-1800/- to the staff car drivers and civilian motor drivers who are working in the establishments <sup>where</sup> ~~were~~ the drivers have more than one scale of pay. Hence the original Application is liable to be dismissed.

5. We have very carefully considered the rival contentions. We find that the Ministry of Personnel, Public Grievances & Pensions have issued instructions dated 30th November, 1993 regarding promotion scheme for staff car drivers. The same letter also provides that the instructions contained in this <sup>not</sup> letter will ~~be~~ applicable to the Ministeries/Departments where drivers already have more than one scale of pay. From the reply filed by the respondents we find that the Civilian Motor Driver and Ambulance Drivers were already having three

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different scales with effect from 01.01.1986. Hence the scheme providing higher pay scale of Rs. 1200-1800/- issued by the DOP&T is not applicable to the Civilian Motor Drivers working in Vehicle Factory, Jabalpur and their representations to grant higher pay scale of Rs. 1200-1800/- with effect from 01.08.1993 has rightly been rejected by the respondents. Moreover the Tribunals and the Courts cannot look into the matter of grant of higher pay scale. It is a settled legal position that "the equation of posts or equation of pay must be left to the Executive Government. It must be determined by expert bodies like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee, the court should normally accept it. The Court should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration." (see : State of U.P. and others Versus J.P. Chaurasia and others, AIR 1989 SC 19). In view of the above we cannot interfere in this matter by issuing a direction to the respondents, who have rejected the request of the applicant for grant of higher pay scale of Rs. 1200-1800/- with effect from 01.08.1993.

6. For the reasons recorded above, the original Application is bereft of any merit and the same is accordingly dismissed. No costs.

7. The Registry is directed to enclose a copy of the memo of parties of this Original Application, while issuing the certified copy of this order.

  
(G. Shanthappa)

Judicial Member

  
(M.P. Singh)  
Vice Chairman