

## **Central Administrative Tribunal Principal Bench**

O.A. No. 69/2012

New Delhi, this the 29<sup>th</sup> day of March, 2017

**Hon'ble Mr. P.K. Basu, Member (A)  
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

Rakesh Kumar,  
Works Assistant (Elect.),  
Dr. Karni Singh Shooting Range (KSSR),  
R/o A-144, Durga Vihar,  
Near Sainik Farm,  
New Delhi-62. ....Applicant

(By Advocate: Sh. Munazir Hasan for Shri Bijoy Kumar Pardhan)

## Versus

1. Government of India through  
The Secretary,  
Department of Personnel & Training,  
North Block, New Delhi.
2. The Sports Authority of India,  
Through the Secretary,  
Jawaharlal Nehru Stadium,  
New Delhi. .... Respondents

(By Advocate : Shri Mishal Vij for Shri Anil Grover for R-2)

## **ORDER** (Oral)

**By Mr. P.K. Basu, Member (A):**

Learned proxy counsel for the applicant seeks further time to argue the matter. Since this is a 2012 matter, no further time can be granted and the matter was, therefore, heard.

2. The applicant was, first of all, appointed as Works Assistant on daily wages and later on his services were regularised w.e.f. 18.12.1984. He was granted the scale of Rs.330-560 in view of the order of the Hon'ble High Court dated 18.09.1990 in CWP No.2150/1989 w.e.f. 01.01.1984. This was subsequently revised to Rs.1200-2040 w.e.f. 01.01.1986 on the recommendation of 4<sup>th</sup> Pay Commission. The applicant was granted upgradation in the scale of Rs.1400-2300 w.e.f. 08.12.1994 on completion of 10 years. After the 5<sup>th</sup> Pay Commission's recommendations, as accepted by the Govt., he was granted the pay scale of Rs.4500-7000/-.

3. The claim of the applicant is that he should be granted the revised scale of Rs.5000-8000 w.e.f. 01.01.1996, as has been granted to Junior Engineers. The applicant has made the following prayer accordingly:

- “(a) issue an appropriate direction, directing the respondents to include the name of Applicant in grant of higher pay scale of Rs.5000-8000/- with effect from 1.01.1996;
- “(b) pass any other order or orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

4. The ground for claiming this relief is primarily equivalence with the Junior Engineers.

5. The respondents have raised the preliminary objection of limitation as the O.A. has been filed in 2012 challenging grant of

pay scale w.e.f. 01.01.1996. There are no cogent reasons in the O.A. or thereafter to explain the delay. Clearly, there has been considerable delay and, therefore, the O.A. is not maintainable on the ground of delay itself.

6. On the merits of the case, the applicant, who is a Works Assistant, is claiming the pay scale of a Junior Engineer, despite the fact that the Works Assistant and Junior Engineer do not belong to the same cadre and the job requirements are also not similar, as pointed out by the respondents in their reply. Moreover, the Hon'ble Apex Court has, time and again, reiterated that Tribunals should not indulge in deciding pay scale matters and that should be left to the executive to be decided on the basis of recommendation of the expert bodies like Pay Commissions.

7. In view of this, the Application has no merits for consideration. The O.A. is, therefore, dismissed due to non-maintainability as well as lack of merits. No order as to costs.

**(Dr. Brahm Avtar Agrawal)**  
Member (J)

**(P.K. Basu)**  
Member (A)

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