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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7650/2016

% ***Judgment dated 31st August, 2016***

BABU LAL MITHARWAL Petitioner
Through : Mr.Gyanant Kumar Sharma, Adv.

versus

UNION OF INDIA AND ORS Respondents
Through : Ms.Aditi Sharma, Adv. for Ms.Suparna
Srivastava, Adv. for Mr.Peeyoosh
Kalra, ASC for respondent no.3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE I.S. MEHTA

G.S.SISTANI, J (ORAL)

1. Challenge in this writ petition, is to the order dated 23.5.2016 passed by Central Administrative Tribunal (in short '*the Tribunal*') by which OA No.1706/2012 filed by the petitioner was dismissed. The petitioner had sought the following relief before the Tribunal:

“8.1 To direct the respondents to consider for the grant of pay scale PB Rs.10,300-34800/- with a grade pay of Rs.3200 and the initial pay being Rs.13,500 and to grant the same w.e.f. 01.12.2011 along with all arrears of pay.”

2. The brief facts of the case are that the petitioner was appointed as a Constable (Executive) on 21.1.2003 in Delhi Police and since then he has been working as a Constable. The initial pay scale of the petitioner was Rs.3050-4590 (pre-revised). This pay scale was revised to Rs.5200-Rs.20200 with the grade pay of Rs.2000/-. After the implementation of the recommendations of the Sixth Pay Commission i.e. w.e.f. 1.1.2006, the petitioner is now drawing basic pay of Rs.7830/- with the grade pay of Rs.2000/-.

3. The grievance of the petitioner is that in comparison to the Constables of Delhi Police, the Government of Punjab, Department of Finance, vide its letter dated 15.12.2011, has revised the pay scale of Constable (Executive) of Chandigarh Punjab Police w.e.f. 1.12.2011 in the pay band of Rs.10300-34800 with the grade pay of Rs.3200 and the initial pay being Rs.13500/-. Aggrieved by the non-implementation of the abovementioned revised pay band of Rs.10300-34800 with the grade pay of Rs.3200/- in the Delhi Police, the petitioner made a representation to the Special Commissioner of Police, Administration, Delhi, on 27.4.2012 for revising his pay. Since the said representation of the petitioner was not replied to, the petitioner filed the OA before the Tribunal, however, the said OA was dismissed by the Tribunal vide the impugned order dated 23.5.2016.
4. Learned counsel for the petitioner submits that the Tribunal has failed to consider that the petitioner had made a representation to the Special Commissioner of Police, Administration, Delhi, on 27.4.2012 which has not been replied. Counsel further submits that the Tribunal has failed to go into the question of equal work and equal pay and also did not consider the comparison between Delhi and Chandigarh, which is also a Union Territory. It is further submitted by the counsel for the petitioner that at this stage the petitioner would be satisfied if leave is granted to the petitioner to make a comprehensive representation at the first instance and respondents be directed to decide the same in accordance with law by passing a reasoned order.
5. Learned counsel for the respondents enter appearance on an advance copy and they have no objection to the aforestated prayer made by the counsel for the petitioner.
6. Heard counsel for the parties. Having regard to the submissions made

and taking into consideration that the representation made by the petitioner has not been decided by the respondents, as prayed the present writ petition stands disposed of in the following terms:

- (i) The petitioner shall make a detailed representation to the Commissioner of Police within four weeks from today.
- (ii) The Commissioner of Police, if deemed appropriate, forward the representation of the petitioner to the appropriate Ministry. The representation of the petitioner shall be decided within three months from the date of submission of representation by the petitioner by passing a reasoned order.
- (iii) The reasoned order will be served upon the petitioner at the address mentioned in the writ petition.
- (iv) In case the petitioner is aggrieved by the reasoned order, which may be passed on his representation, it would be open for the petitioner to challenge the same in accordance with law unaffected by the impugned order dated 23.5.2016 passed by the Tribunal.

7. DASTI to the parties.

G.S.SISTANI, J

I.S. MEHTA, J

AUGUST 31, 2016

msr