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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P. (C) No.5895/2007

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02nd February 2017

N.C.MAHAJAN & ORS.

..... Petitioners

Through: Mr. A.K.Verma, Advocate

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Roshan Lal Goel and Mr.
R.M.Tripathi, Advocates for R-1.

Mr. Kailash Vasdev, Sr. Adv. with
Mr. Shreyans Singhvi, Ms. Ekta
Mehta and Mr. Sumer Sadhu,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

C.M. No. 9220/2015 (u/O 6 R 17 CPC by the petitioner)

There is no opposition to this application for amendment which is allowed inasmuch as petitioners only seek to add certain facts and documents for claiming the same reliefs as were claimed in the amended writ petition. The application is therefore allowed.

CM stands disposed of.

Learned senior counsel for respondents states that no fresh pleadings are required and the respondents adopt their existing pleadings to the amended writ petition.

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1. I have heard the counsel for the petitioner for quite some time. The amount of time which is taken for hearing by the counsel for the petitioner is in view of the ambiguous nature of the prayer clauses of the amended writ petition. The relief/prayer clauses of the amended writ petition read as under:-

PRAYER

“It is most respectfully, prayed that this Hon’ble Court may graciously be pleased to:-

- (i) Direct the respondents to implement the recommendations of the Fourth Central Pay Commission, D.P. Chattopadhyaya Committee’s Report and Fifth Central Pay Commission. It is further prayed to direct the respondents to implement the recommendations of the Fourth Central Pay Commission and recommendations made by D.P .Chattopadhyaya Committee with effect from 01-01-1986;
- (ii) Direct the respondents to implement the recommendations of the Fifth Central Pay Commission and;
- (iii) Direct the respondents to revise the pay scales in accordance with the Chattopadhyaya Committee’s Report with effect from 01-01-1986 and consequently to pay the arrears of salaries to the petitioners with effect from 01-01-1986;
- (iv) Fill up the post of Chief Librarian and other posts, which are lying vacant without any delay to boost the staff under the guidance of the qualified and job oriented Librarian.”

2. I have put it to counsel for the petitioner that if the understanding of the Court is correct that petitioners want implementation

of the D.P. Chattopadhyaya Committee's Report, and consequently, amendment of the pay-scales as granted in the 4th Central Pay Commission Report and 5th Central Pay Commission Report. Counsel for the petitioner agrees that petitioners want amendments to the 4th Central Pay Commission Report and 5th Central Pay Commission Report and which would be granted on the petitioners prayer being granted that the 4th and 5th Central Pay Commissions Reports should be amended as per the recommendations of the D.P. Chattopadhyaya Committee's Report.

3. Counsel for the petitioners argues that D.P. Chattopadhyaya Committee's Report if implemented, will result in putting respondent no.2/ Nehru Memorial Museum and Library/employer in a higher category library and once the respondent no.2 is put in a higher category library of category-5, then, the Central Pay Commissions Reports will have to be amended so as to entitle the petitioners to claim higher pay-scales of respondent no.2 being in a higher category-5 library.

4. Learned senior counsel for the respondent no.2 states that to all the employees of the respondent no.2 pay-scales are being given by implementing the recommendations of the 4th Central Pay Commission Report, 5th Central Pay Commission Report as also the 6th Central Pay

Commission Report as applicable to autonomous organization as such is the respondent no.2. Therefore, really so far as respondent no.2 is concerned, it has already adopted and paid to its employees necessary payments as per the 4th Central Pay Commission Report, 5th Central Pay Commission Report and 6th Central Pay Commission Report as applicable to autonomous organization, as such the respondent no.2.

5. Counsel for the petitioner concedes that 4th Central Pay Commission Report came in 1986 and the 5th Central Pay Commission Report came in 1997. This writ petition is filed much later in the year 2007. Therefore, by a writ filed in the year 2007, 4th Central Pay Commission Report which came into effect about 20 years earlier in 1986 is prayed for being amended, as also the 5th Central Pay Commission Report which came in 1997 is prayed for being amended around after 10 years of its implementation. Also, This Court has to observe that Central Pay Commissions Reports are prepared after hundreds and hundreds of men hours put by different committees and different personnel who are experts in their fields. Central Pay Commission Reports are therefore not interfered with by the Courts which do not have expertise to substitute their views for that of the experts to prepare the Central Pay Commissions Reports.

6. In view of the above facts, since not only the writ petition is grossly barred by time, and to which petition principles of Limitation Act apply in view of the judgment of the Supreme Court in the case of *State of Orissa and Another Vs. Mamta Mohanty (2011) 3 SCC 436*, and also that the facts show that this Court cannot and does not substitute its own view for a particular pay-scale to be granted to an employee of an autonomous organization more so by amending Central Pay Commission Reports, this writ petition is accordingly dismissed, leaving the parties to bear their own costs.

FEBRUARY 02 ,2017
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VALMIKI J. MEHTA, J