

Union of India Vs. A.rayer

Union of India Vs. A.rayer

SooperKanoon Citation : sooperkanoon.com/1193055

Court : Supreme Court of India

Decided On : Nov-24-2017

Judge : Hon'Ble Mr. Justice Kurian Joseph, Hon'Ble Mr. Justice Amitava Roy

Appeal No. : 20582 / 2005

Appellant : Union of India

Respondent : A.rayer

Advocate for Def. : K. Rajeev

Advocate for Pet/Ap. : D. S. Mahra

Judgement :

1 NON-REPORTABLE IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL NO(S). 2011 OF 2009 UNION OF INDIA & ORS. Appellant(s) VERSUS A. RAYER & ORS. Respondent(s)

JUDGMENT

KURIAN, J.

The learned counsel appearing for the appellants 1. has strenuously canvassed the position that a classification between the matriculate and non-matriculate in the matter of pay fixation is permissible. Our reference is also invited to the

Constitution Bench decision of this Court in State of Mysore Vs. P. Narasinga Rao, reported in AIR 1968 SC349 2. We have no quarrel with the above proposition. The question before us is not of classification between the matriculate and non-matriculate. We are only invited to go into the correctness of the Judgment passed by the High Court. Both the Tribunal and the High Court have taken a view that the Anomaly Committee, have made a recommendation to treat the 2 Police Constables in Andaman & Nicobar Islands at par with Delhi. The Anomaly Committee itself has been set up by the Government. No doubt, the decision of the Anomaly Committee is not per se binding on the Government, as correctly canvassed by the learned counsel, placing reliance on the judgment of this Court in Union of India Vs. Arjun Jyoti Kundu & Ors., reported in (2007) 7 SCC472 But the question is whether this Court should exercise its jurisdiction under Article 136 of the Constitution of India to interfere with the concurrent findings of the Central Administrative Tribunal and the High Court on the implementation of the report of the Anomaly Committee in the matter of extension of same pay scale of Delhi Police Constables to the constables of Union Territory of Andaman & Nicobar Islands.

3. In our considered view, we do not find any justifiable ground to exercise our jurisdiction under Article 136 of the Constitution of India. The appeal, accordingly, stands dismissed.

4. In the order dated 28.03.2005 the High Court of Calcutta had, in its Circuit Bench at Port Blair, imposed a default cost at the rate of 8% per annum as a condition for stay of operation of the Judgment. Now that we have passed the final orders in exercise of our discretionary and equitable jurisdiction, we are of the view that the order on payment of interest by way of costs from 01.01.1996 needs to be vacated. Ordered accordingly.

5. However, we make it clear that in case the arrears are not paid to the incumbents concerned within a period of six months from today, the order on costs by the High Court would stand revived. 3 6. It is further made clear that no further extension of time will be granted for the said purpose since we have granted a maximum period, as prayed for, despite the strong opposition of the learned

counsel for the respondents. New Delhi; November 24, 2017.J.

[KURIAN JOSEPH].J.

[AMITAVA ROY]. 4 ITEM NO.55 COURT NO.5 SECTION XVI S U P R E M E C
O U R T O F I N D I A RECORD OF PROCEEDINGS Civil Appeal No(s). 2011 of
2009 UNION OF INDIA & ORS. Appellant(s) VERSUS A. RAYER & ORS.
Respondent(s) Date :

24. 11-2017 This appeal was called on for hearing today. CORAM : HON'BLE MR.
JUSTICE KURIAN JOSEPH HON'BLE MR. JUSTICE AMITAVA ROY For
Appellant(s) Ms. G. Indira, AOR For Respondent(s) Mr. Bhupesh Narula, Adv. Mr.
K. V. Jagdishvaran, Adv. Dr. Jose P. Verghese, Adv. Mr. Nebil Nizar, Adv. Mr.
Gireesh Kumar, Adv. Mr. Ranjith K. C., AOR Dr. M. P. Raju, Adv. Mr. Alex Joseph,
Adv. Mr. Nebil Nizar, Adv. Mr. K. Rajeev, AOR UPON hearing the counsel the
Court made the following

ORDER

The appeal is dismissed in terms of the signed non-reportable Judgment. Pending
Interlocutory Applications, if any, stand disposed of. (JAYANT KUMAR ARORA)
(RENU DIWAN) COURT MASTER ASSISTANT REGISTRAR (Signed non-
reportable Judgment is placed on the file)

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com