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Central Administrative Tribunal, Principal Bench

Original Application No.2359 of 2002  
M.A.No.1967/2002

New Delhi, this the 11th day of September, 2002

Hon'ble Mr.Justice V.S.Agarwal,Chairman  
Hon'ble Mr.V.K.Majotra,Member(A)

1. Shri Dinesh Kumar Garg,  
S/o Shri Kishan Chand Garg,  
R/o H.No.45,  
V&P.O. Siraspur,  
Delhi-42
2. Pradeep Nigam,  
S/o late Shri B.R.Nigam,  
R/o 30/4C P&T Quarter, Gole Market,  
New Delhi-1

.... Applicants  
(By Advocate: Shri Chander Shekhar Sharma)

Versus

1. Union of India, through  
The Secretary  
Ministry of Communication & I.T.  
Dept. of Posts,  
Dak Bhawan, Sansad Marg,  
New Delhi-1
2. Director  
Directorate of Accounts (Postal)  
Delhi-54

.... Respondents

O R D E R (ORAL)

By Justice V.S.Agarwal,Chairman

M.A.1967/2002

M.A.1967/2002 for joining together in a single  
O.A., is allowed.

O.A.2359/2002

2. The applicants have pressed into service the  
principle for equal pay for equal work. Indeed there is no  
controversy with the said principle flowing from Article 14  
read with Article 39 of the Constitution. But before a

*(Signature)*

person can take advantage of the same, it must be shown that not only the educational qualifications for the posts are identical, the work should also be considered to be similar by the administrative machinery. In normal circumstances, it is for the administration to fix the scales and the interference by the Court/Tribunal would only be if there is flagrant violation of the said principle.

3. The applicants contend that in all other Ministries and Departments, similarly placed Junior Accounts Officers (JAOs) have been given special pay retrospectively from the date of passing of the examination (JAO) but it has not been awarded to them. So far as this particular plea is concerned, indeed the same has to be stated to be rejected because the applicants are serving in the Postal Accounts Department and therein, patently there is no discrimination within the said department. We find no reason, therefore, to interfere in an administrative decision in this regard.

4. However our attention has been drawn towards the letter dated 8.11.2001 addressed to the Director of Accounts (Postal) in which it has been mentioned that as regards inclusion of special pay for fixation of matter, the same is under examination and decision has to be taken. Keeping in view this fact, it is directed that the administrative department concerned i.e. respondent no.1 would take a decision in this regard preferably within a

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period of six months from the date of receipt of the certified copy of this order. With these directions, the O.A. is disposed of.

V.K.Majotra

( V.K. Majotra )  
Member(A)

V.S. Aggarwal

( V.S. Aggarwal )  
Chairman

/dkm/