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Central Administrative Tribunal, Principal Bench

Original Application No.8 of 2002

M.A.No.9/2002

New Delhi, this the 22nd day of October, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M.P. Singh, Member (A)

1. CPWD Mazdoor Union
through its General Secretary (Shri B.K. Prasad)
E-26 (Old Qtrs.), Raja Bazar,
Baba Kharak Singh Marg,
New Delhi-1

2. Mohan Lal s/o late Shri Panchu Ram,
r/o House No. 614,
Sector-V, Pushp Vihar,
New Delhi

....Applicants

(By Advocate: Shri A.K. Bajpai with Shri B.K. Prasad)

Versus

1. Director General Works, CPWD
Nirman Bhawan,
New Delhi

2. Union of India,
(Service is to be affected through its Secretary)
Ministry of Urban Development and
Poverty Elevation,
Nirman Bhawan, New Delhi

....Respondents

(By Advocate: Shri B.K. Berera)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicants are seeking parity of pay on principles of equal pay for equal work. We hardly need to state the well settled principle that equal pay for equal work is not a fundamental right but is a Constitutional goal. In terms of Article 39 (d) read with Article 14 of the Constitution, when the duties are identical and there is no other situation to make the difference, then the pay scales of similarly placed persons should be identical.

2. Reverting back to the facts of the present case, some of the salient features are that the applicants are

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Motor Lorry Drivers (MLDs). They seek parity of pay and scales with Staff Car Drivers (SCDs). The scale of the applicants is Rs.3050-4590 while the scale of SCDs are:

S.No.	Grade	Pay Scales
1.	Ordinary Grade	Rs.3050-4590
2.	Grade - II	Rs.4000-6000
3.	Grade - I	Rs.4500-7000
4.	Special Grade	Rs.5000-8000"

3. From the reply of the respondents, we note that the difference between the two types of employees are:

	MLD	Staff Car Drivers
1. Cassifi- cation	Work-charged	Gr.C Non- Gazetted, Non-Ministerial
2. Qualifi- cation	Ability to read & Write. Must possess a driving licence for heavy vehicles and driving/over-hauling/repairs experience of at least 5 years of which atleast 3 years should be of heavy motor vehicles	<u>Essential:</u> Should possess a current and valid driving licence and 3-4 years continuous driving experience. Should be able to read and write. <u>Desirable:</u> Middle Standard Pass
3. Duties	Driving Motor vehi- cles of all descrip- tions both light and heavy, including running, repairs and adjustments	Driving staff cars in Central Govt. Ministries/Depart- ments."

4. Perusal of the aforesaid clearly shows that though the applicants are work-charged employees but they have to

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have the experience of five years of driving/overhauling while the SCDs need only experience of 3-4 years. The applicants are required to do the duties not only of driving heavy and light vehicles but even are required to know repairs and adjustments. So far as the SCDs are concerned, they cannot be given the duties of repairs and adjustments.

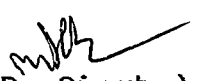
5. From the aforesaid, it is patent that the applicants are performing by and large similar functions and more onerous duties than the SCDs. Despite that their scales are lower than the SCDs.

6. The decision of the Supreme Court in the case of Randhir Singh vs. Union of India & ors., (1982) 3 SCR 298 provides the necessary guidelines. Almost similar question came up for consideration before the apex court. The applicant therein was a Driver in Delhi Police Force. He was seeking parity of pay scale with the Drivers in Delhi Administration. The Supreme Court allowed his request. Identical is the position herein. In the absence of any other circumstance being pointed, we allow the present petition and direct that the applicants would be entitled to the same scale of pay as SCDs.

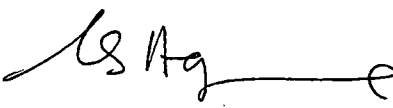
7. However during the course of submissions, it was conceded at the Bar that the applicants will not claim arrears for the period before filing of the present application. Therefore it is directed that notionally the

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pay scales of the applicants would be fixed ^{from 1.1.96} but the arrears would be confined to the period only from the date of filing of the present application i.e. 1.12.2001.


(M.P. Singh)
Member (A)

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(V.S. Aggarwal)
Chairman