

## *Reserved*

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR**

**ORIGINAL APPLICATION NO.203/00812/2015**

**Jabalpur, this Friday, the 6<sup>th</sup> day of March, 2020**



**HON'BLE MR.NAVIN TANDON, ADMINISTRATIVE MEMBER  
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Anil Kumar Kashyap, son of Shri Pyarelal Kashyap,  
aged about 59 years, Presently posted as Laboratory Technician,  
Regional Leprosy Training and Research Institute, Lalpur,  
Raipur, Chhattisgarh-492015 - APPLICATION

**- APPLICANT**

**(By Advocate –Abhyuday Singh)**

## Versus

1. Union of India through the Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi-110108

2. Director General Health Services, Directorate General of Health Services (Leprosy Division) Nirman Bhawan, New Delhi-110108

3. Director, Regional Leprosy Training and Research Institute,  
Lalpur, Raipur, Chhattisgarh-492015 **-RESPONDENTS**

**(By Advocate – Shri Vivek Verma)**

(Date of reserving the order: 02.04.2019)

## **ORDER**

### **By Navin Tandon, AM.-**

The applicant, who was working as Laboratory Technician (for brevity 'LT') in Regional Leprosy Training and Research Institute (for brevity 'RLTRI'), Lalpur, Raipur, Chhattisgarh is seeking parity of pay scales with effect from 07.04.1980 at par with LTs working in similar other institutes.

2. The applicant submits that there are four Leprosy Training and Research Institute under respondent No.2, namely - (i) Central Leprosy Training and Research Institute (CLTRI), Chengalpattu, Tamil Nadhu, (ii) RLTRI, Aska, Ganjam, Odisha, (iii) RLTRI, Raipur, and (iv) RLTRI Gouripur, Bankura, West Bengal, and the pay scale of LTs in RLTRI Raipur where he was working was Rs.330-560, whereas the pay scales of LTs working in CLTRI Chengalpattu and RLTRI Aska were Rs.380-560. His representation for parity in pay scale has been rejected by the respondents by impugned order dated 30.04.2012 (Annexure A-14), on the sole ground that LTs are having different educational qualifications for the above four Institutes.

3. The learned counsel for the applicant has vehemently argued that though the applicant is similarly placed as the LTs working in other Institutes still he is being deprived of higher pay scale. He has further stated that

sanctioning the post of LTs in different pay scales for the four sister institutes is totally unjustified.

4. Heard the learned counsel of parties and carefully perused the pleadings of respective parties and the documents annexed therewith.

5. It is well settled that grant of pay scales is purely an executive function and the court should not interfere with the same. The Hon'ble Supreme Court in the matters of **S.C.Chandra and others Vs. State of Jharkhand and others**, (2007) 8 SCC 279 has observed thus:

*“(33). It may be mentioned that granting pay scales is a purely executive function and hence the court should not interfere with the same. It may have a cascading effect creating all kinds of problems for the Government and authorities. Hence, the court should exercise judicial restraint and not interfere in such executive function* vide Indian Drugs & Pharmaceuticals Ltd. vs. Workmen, Indian Drugs and Pharmaceuticals Ltd. (2007) 1 SCC 408.

xxxxxx                   xxxxx                   xxxxxxxxxxxx                   xxxxxx

*(35). In our opinion fixing pay scales by courts by applying the principle of equal pay for equal work upsets the high constitutional principle of separation of powers between the three organs of the State. Realising this, this Court has in recent years avoided applying the principle of equal pay for equal work, unless there is complete and wholesale identity between the two groups (and there too the matter should be sent for examination by an Expert Committee appointed by the Government instead of the court itself granting higher pay).*

*(36). It is well settled by the Supreme Court that only because the nature of work is the same, irrespective of educational qualification, mode of appointment, experience and other relevant factors, the principle of equal pay for equal work cannot apply* vide Government of West Bengal vs. Tarun K. Roy and others (2004) 1 SCC 347.

*(37). Similarly, in State of Haryana and another vs. Haryana Civil Secretariat Personal Staff Association (2002) 6 SCC 72, the principle of*

*equal pay for equal work was considered in great detail. In paragraphs 9 & 10 of the said judgment the Supreme Court observed that equation of posts and salary is a complex matter which should be left to an expert body. The Courts must realize that the job is both a difficult and time consuming task which even experts having the assistance of staff with requisite expertise have found it difficult to undertake. Fixation of pay and determination of parity is a complex matter which is for the executive to discharge. Granting of pay parity by the Court may result in a cascading effect and reaction which can have adverse consequences vide Union of India and others vs. Pradip Kumar Dey (2000) 8 SCC 580".*



*(emphasis supplied by us)*

6. Further, the Hon'ble Supreme Court in the matters of **Steel Authority of India Limited and others Vs. Dibyendu Bhattacharya**, (2011) 11 SCC 122 has held thus:

*"(30). .... the law on the issue can be summarised to the effect that parity of pay can be claimed by invoking the provisions of Articles 14 and 39(d) of the Constitution of India by establishing that the eligibility, mode of selection/recruitment, nature and quality of work and duties and effort, reliability, confidentiality, dexterity, functional need and responsibilities and status of both the posts are identical. The functions may be the same but the skills and responsibilities may be really and substantially different. The other post may not require any higher qualification, seniority or other like factors. Granting parity in pay scales depends upon the comparative evaluation of job and equation of posts. The person claiming parity, must plead necessary averments and prove that all things are equal between the posts concerned. Such a complex issue cannot be adjudicated by evaluating the affidavits filed by the parties."*

*(emphasis supplied by us)*

7. On perusal of the above judgments we find that evaluation of the job for the purpose of deciding the pay scales is best left to the experts committee.



The nomenclature of the posts may be similar, but there may be difference in reliability and responsibility. The issue of fixation of pay scale falls exclusively in the domain of the executive. The fixation of pay scale is based on various factors such as nature of duty, responsibility, reliability, quality of work and level of skill required for a particular kind of job of a post. Since the applicant has failed to show that different pay scales have been granted with some extraneous considerations, we cannot substitute the pay scale fixed by the respondents, as it may have cascading effect giving rise to similar demand in different cadres thereby disturbing the equilibrium otherwise maintained under the relevant pay rules.

**8.** In view of the above discussions and the settled legal position, we are of the considered opinion that the applicant is not entitled for the relief sought for by him in this Original Application. Accordingly, the Original Application is dismissed. No costs.

**(Ramesh Singh Thakur)**  
**Judicial Member**

*rkv*

**(Navin Tandon)**  
**Administrative Member**