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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.114 of 2001

M.A.No.81 of 2001

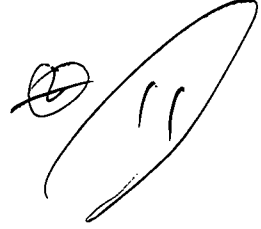
New Delhi dated this the ^{1st} ~~1st~~ ^{April} ~~1st~~, 2002.

HON'BLE SHRI S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Krishan Murari
S/o Sh. Inder Muni Sharma
R/o RZ-C-20, Vijay Enclave,
Palam, New Delhi-110045.
 2. Kapil Dev Prasad
S/o Sh. Ram Lakhan,
R/o.D-23, CTI Complex,
Raja Garden, New Delhi-110027.
 3. Mamraj
S/o Sh.Ghisa Ram,
R/o. 7903, Ram Nagar,
Paharganj, Delhi-110055.
 4. Jaipal Singh
S/o Sh.Uday Ram
R/o.D-24, CTI Complex,
Raja Garden, New Delhi-110027.
- (By Advocate:Sh. Ashwani Bhardwaj) ... Applicants.

Versus

1. Union of India
Through Secretary
Ministry of Home Affairs,
North Block,
New Delhi.
 2. The Secretary,
Ministry of Finance
North Block,
New Delhi.
 3. Govt.of NCT of Delhi,
Through Chief Secretary,
Delhi Secretariat,
I.G. Stadium, I.P.Estate,
New Delhi.
 4. Commandant General Home
Guards and Director Civil Defence
C.T.I. Complex, Raja Garden,
New Delhi-110027.
- (By Advocate:Smt.Sumedha Sharma) . Respondents.
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ORDER

S.R. ADIGE, V.C.(A)

Applicants impugn respondents order dated 29.10.98 (Ann.A-1) and seek a direction to grant them the higher pay scale Rs.1200-2040 (pre-revised) as per with their counterparts in National Civil Defence College, Nagpur.

2. Applicants had earlier filed OA No.204/99 which was dismissed as withdrawn by order dated 31.10.2000 for non joinder of necessary parties, with permission to file fresh OA in accordance with law. Accordingly applicants have file the present OA.

3. Their case is that they are working as Demonstrators in Central Training Institute under Directorate of Home Guards in the pay scale of Rs.750-940 (pre-revised) while their counterparts in the National Civil Defence College Nagpur and in Haryana state who are at par with them and are performing the same duties as themselves are in the higher pay scale of 1200-2040 (pre-revised). Applicants claim parity in pay scale on the principle of equal pay for equal works.

4. Respondents in their reply challenge the OA. They invite attention to their impugned letter dated 29.10.98 and state that since there is no parallel in the Recruitment Rules of Demonstrators working in Directorate of Home Guards and those working in NCDC, Nagpur, the upgradation in pay scales cannot be granted.



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5. Neither side have furnished cogent materials to establish whether or not the duties, responsibilities, recruitment rules, eligibility qualifications etc. justify parity of pay scales between Demonstrators working in CTI under Directorate of Home Guards to which category applicants belong, and the Demonstrators working in NCDC, Nagpur. However, we notice that Home Ministry in its letter dated 27.10.90 (Ann. A-6) addressed to GNCT of Delhi have equated Demonstrators with Haveldars and have called upon GNCT of Delhi to revise the pay scale of the post of Demonstrators at CTI of Home Guards and Civil Defence keeping in view the pay scale of the post of Haveldars in Home Guards and Civil Defence Organisation of Delhi.

6. We are informed that even this has not been done. Respondents in their reply state that this has not been implemented because there is no sanctioned post of Haveldars in the Directorate of Home Guards.

7. We must state that we are rather surprised with this reply, because when Home Ministry, Govt. of India in its letter dated 27.10.90 has categorically equated Demonstrators in CTI of Directorate of Home Guards and Civil Defence under GNCT Delhi with Haveldars in that organisation, it must have been on same basis. We note that Home Ministry, Govt. of India as well as GNCT of Delhi are respondents in this OA and no separate reply has been filed by Govt. of India.

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8. Accordingly we dispose of this OA with a direction to respondents, in consultation with each other, to implement the contents of their own letter dated 27.10.90 w.e.f. the date of its issue, or w.e.f. the date of applicants' appointment as Demonstrators whichever is later. Applicants shall be entitled to consequential benefits including arrears of pay and allowances. These directions should be implemented within 6 months from the date of receipt of a copy of this order. No costs.

(SHANKAR RAJU)
MEMBER (J)

(S.R. ADIGE)
VICE CHAIRMAN (A)

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