

Central Administrative Tribunal, Principal Bench

Original Application No. 2500 of 2001

New Delhi, this the 21st day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. M.P.Singh, Member(A)

Shri Inder Muni  
Wireless Radio Operator  
Directorate General of  
Home Guards & Civil Defence  
Nishkam Seva Bhawan.  
Raja Garden, New Delhi-27

- Applicant

(By Advocate: Shri R.K.Gogna)

Versus

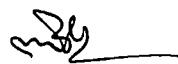
1. Union of India through  
The Secretary  
Ministry of Finance  
Department of Revenue  
New Delhi
2. Government of N.C.T. of Delhi  
Through the Principal Secretary  
Home (General) Department  
5th Level, Delhi Secretariat,  
I.P.Estate, New Delhi-2
3. Directorate General of  
Home Guards & Civil Defence  
Nishkam Seva Bhawan  
Raja Garden, New Delhi-27

- Respondents

O R D E R (ORAL)

By Mr. M.P. Singh, Member(A)

Applicant who is working as a Radio Operator in the Home Guards has filed this OA under Section 19 of the Administrative Tribunals Act seeking parity of pay scale with those Radio Operators working in Central Board of Excise & Customs. The contention of the applicant is that educational qualifications, nature of duties and recruitment rules in Home Guards are equivalent to those in Central Board of Excise and Customs. The Radio Operators working in Central Board of Excise and Customs have been given higher pay scale ~~from Rs.4000-7000 to~~ <sup>revised &</sup> Rs.4500-7000 on the recommendations of 5th Central Pay Commission whereas the Radio Operators working in the Home Guards have been





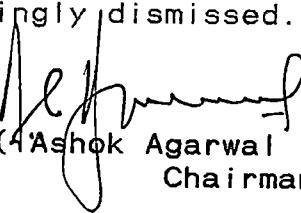
given the replacement scale of Rs.4000-6000. It is alleged by the applicant that earlier there was a parity in the pay scales of Radio Operators working in both the departments which is not being maintained now.

2. After going through the papers placed before us, we find that the 5th Central Pay Commission in its report at chapter 66, para 66.141 has recommended upgraded scale of Rs.1400-2300 to the Radio Operators from the existing scale of Rs.1320-2040 on the ground that the initial recruitment at the lowest level of Radio Technician and Radio Operator is made with an educational qualification of Diploma in Radio Technology. We have perused the recruitment rules for the post of Radio Operator in Home Guards where the educational qualification for recruitment in the post of Radio Operator is only matriculation. The reason given by the Pay Commission for upgradation of a post on the basis of higher qualification for recruitment is justified.

3. The settled legal position is that grant of pay scale is to be looked into by an expert body like the Pay Commission and courts should not interfere in such type of matters or even look into the principle of equal pay for equal work. After seeing the recommendations of the Pay Commission, we are satisfied that the grant of higher pay scale to the Radio Operators in Central Board of Excise and Customs is fully justified. In view of this, we find that this OA is devoid of merit. It is accordingly dismissed.

  
( M.P. Singh )  
Member(A)

/dkm/

  
( Ashok Agarwal )  
Chairman