

(29)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1) O.A.No.134/99

with

2) O.A.No.127/99

New Delhi: this the 4th day of September, 2001.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

OA No.134/99

1. Sohan Kumar
S/o Shri Brij Mohan,
R/o RZH 885/B Raj Nagar,
New Delhi.

2. Rishi Dev,
S/o Dhoop Singh,
R/o VPO Siwana,
Rohtak.

3. Rajpal Singh Negi,
S/o Tota Singh,
R/o Sector I/646,
R.K.Puram,
New Delhi.

4. Harkesh Chauhan,
S/o R.A. Chauhan,
R/o VPO Nanukalan,
Gurgaon,

5. Sube Singh,
S/o S. Singh,
R/o VPO Behalai Mahendragarh.

6. K.K. Karki,
S/o Late R.R. Kups,
R/o D-664, East Kidwai Nagar,
New Delhi.

7. Dharampal Rathi,
S/o T.R. Rathi,
R/o Rathiwash Jat,
Sidhrawali,
Gurgaon.

8. Brijendra Singh,
S/o Sata Singh,
R/o 7/121, Dakshin puri,
New Delhi.

9. S.K. Sinha,
S/o Late H.K. Prasad,
R/o K-143, K-Block,
Gali No.2,
Mahilpur,
N.Delhi.

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10. Mange Ram,
S/o K. Singh,
R/o VPO Khakra,
Bagpath.

11. Sarwan Kumar,
S/o Ganesh,
R/o H.No. 210 Maidangarhi,
New Delhi.

12. M.S. Negi,
S/o Avtar Singh,
R/o Sector I/357,
R.K. Puram,
New Delhi.

13. Bhagwan Singh Bhandari,
S/o Trilok Singh,
R/o Sector 7/359 Pushp Vihar,
Saket,
New Delhi.

14. N.S. Yadav,
S/o Raghubir Singh,
R/o PO Nangal Dewat
(New Cargo Complex),
New Delhi

.....Applicants.

2) OA No. 127/1999

1. Ramesh Chandra,
S/o Kanhiya Lal,
R/o VPO Tikilykala (Akliapur),
Gurgaon.

2. Satpal Yadav,
S/o Late Hari Kishan,
R/o VPO Guraora,
Rewari.

3. Rajendra Singh Chauhan,
S/o Balbir Singh,
R/o VPO Ramala,
Baghat,

4. Baljeet Singh,
S/o Mauji Ram,
R/o VPO Sampla,
Rohtak.

5. Udai Ram,
S/o Sh. Late Nand Ram,
R/o 4009, Gali No. 3,
Paharganj,
New Delhi.

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6. Kulwant Singh,
S/o Phool Singh,
R/o D-31, Gali No. 9, Bhramपुरi,
New Delhi.
7. Sri Niwas Sharma,
S/o Ram Kishan,
R/o VPO Brahane, Jhajjar.
8. Kushal Ram,
S/o L. Ram,
R/o Sector I/542,
R.K. Puram,
New Delhi.
9. Dharambir Singh,
S/o Phool Singh,
R/o 403/3, Prem Nagar,
New Delhi.

(All are working in NCRB, New Delhi)

.....Applicants.

Versus

1. The Secretary,
Ministry of Home Affairs,
Govt. of India,
North Block,
New Delhi.
2. The Secretary,
Deptt. of Expenditure,
Ministry of Finance,
Govt. of India,
North Block,
New Delhi.
3. The Director,
National Crime Records Bureau (NCRB),
East Block 7 R.K. Puram,
New Delhi-66

....Respondents.

Advocates:

For Applicants: Shri Deepak Verma,

For Respondents: Shri N.K. Agarwal (In OA No. 134/99)

Shri A.K. Bhardwaj (In OA No. 127/99)

ORDER

S.R. Adige, VC(A):

As both these OAs involve common questions
of law and fact, they are being disposed of by this

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common order.'

2. Applicants who are Constables (in OA-134/99) and Head Constables (in OA No.127/99) in the National Crime Records Bureau (NCRB.) seek pay parity with their counterparts in the Finger Print Bureau, which is also a part of the NCRB with monetary benefits w.e.f. 1.1.96.

3. The case of the applicants is that the NCRB which is an attached/subordinate office under MHA has various sections viz. Computer & Systems, GAD, Finger Prints, Records etc. It is stated that while on the basis of 4th pay Commission's recommendations constables/Head Constable in Computer & Systems, GAD, Records etc. were in the scale of Rs.800-1150/- and 950-1400 respectively while Constables/H.C. FPB were in the scale of Rs.950-1400/- and Rs.975-1660 respectively. This difference in pay scales have been perpetuated as a result of the recommendations of the 5th pay Commission also, in as much as while Constable in C & S, GAD, Records etc. to which category applicants belong have been placed in the scale of Rs.2650-4000/- and 3050-4590 there in FPB have been placed in the scale of Rs.3050-4590/- and 3200-4900. It is contended by applicants that the educational and other qualification, duties and responsibilities, nature of work etc of Constables and Head Constables in C&S, GAD, Records sections of NCRB are similar to that of Constables and Head Constables in FPB of NCRB and indeed both sets of Constables and Head Constables are working in the same offices and their duties are interchangeable. Therefore it is contended that this difference in pay scales is arbitrary, discriminatory and violative of Articles 14

and 16 of the Constitution as it offends the principle of 'Equal pay for equal work'.

4. Respondents in their reply have challenged the OA. Besides averring that it is not the functions of Courts/Tribunals to revise pay scales, it is emphasised that Constables/Head Constables in GAD etc. of NCRB are governed by separate recruitment rules, their seniority list is different, they are not interchangeable, and their duties and responsibilities are also distinct and separate from that of their counterparts in FPB of NCRB. It is emphasised that FPB constitutes a specialised technical field in NCRB, and hence Constables/Head Constables working therein enjoy a higher pay scale. It is stated that the pay scales granted to applicants is as per 5th Pay Commission's recommendations.

5. We have considered the rival contentions.

6. Respondents do not deny that applicants' claims have been supported by NCRB. Indeed, the Home Secretary himself in his letter dated 30.10.86 addressed to the Finance Secretary (Annexure-A3) had also recommended parity of pay scales between Constables/Head Constables in other sections of NCRB and those in FPB of NCRB. We are fully aware that it is not within the jurisdiction of the Tribunal to revise the pay scales of Govt. employees, and we do not propose to do so. However, as there are materials on record to show that applicants' claims were supported at some stage or the other by two out of the 3 respondents in the OAs, we call upon respondents 1 and 3 to have this matter referred to the Anomalies Committee for its opinion if that Committee is still working. If not, respondents No.1 and

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3 should themselves in consultation with Respondent No. 2 ^{in both OAs} examine the claims of applicants for parity of pay scales with their counterparts in FPB of NCRB in the background of the principle of equal pay for equal work after making a comparative analysis of the educational qualification, method of recruitment, workload, functions, duties and responsibilities and perquisites, if any of the two sets of employees. This examination should be done by way of a detailed, speaking and reasoned order within 6 months from the date of receipt of a copy of this order under intimation to applicants.

7. The OA ^{is} disposed of in terms of para 6 above. No costs.

8. Let a copy of this order be placed on each OA's case record.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

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

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