

Central Administrative Tribunal
Principal Bench

O.A.No.1552/99
M.A.No.1379/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, M(A)

New Delhi, this the 12th day of July, 1999

1. Solid State Physics Laboratory
Karamchari Union through its President
Shri Jagdev Singh
Ministry of Defence
Lucknow Road
Delhi - 110 054.
2. Shri Mahabir
s/o Shri Harpal Singh
Technician 'C'
Solid State Physics Laboratory
Delhi - 110 054. Applicants

(By Shri Y.R.Malhotra, Advocate)

Vs.

1. Union of India service
through Secretary to the Govt. of India
Dept. of Defence Research and Development
Ministry of Defence
South Block
Central Secretariat
New Delhi.
2. Secretary to the Govt. of India
Ministry of Finance
Dept. of Expenditure
North Block
Central Secretariat
New Delhi.
3. Controller General of Defence Accounts
Office of CGBA
New Delhi. Respondents

O R D E R (Oral)

By Hon'ble Shri R.K.Ahooja, M(A):

Applicant No.1 is a President of Karamchari Union of Solid State Physics Laboratory under the Defence Research and Development Organisation (DRDO), Ministry of Defence. The applicants submit that Government had sanctioned special allowances or special pay to some of the Scientists in various pay scales working with DRDO. This special pay/special allowances have been awarded to

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whole of the cadre of such Scientists irrespective of their duties and responsibilities and not on account of any addition to their work and responsibilities. They further submit that the special allowances/special pay is to attract, retain, inspire and motivate Scientists to give their best contribution. The applicants state that they are also a part of the chain of the workers of the DRDO just like Scientists and they are also contributing their services to the DRDO in the same way ^{as} the said category of the Scientists. They further claim that they are equally entitled to the grant of special pay/special allowances as a part of that chain. On that basis the applicants have came before the Tribunal seeking a direction to the respondents to also consider their cases for grant of incentive/special pay/special allowances in the same proportionate ratio of special allowances/incentives given to the Scientists in DRDO.

2. We have heard the counsel. The learned counsel draws our attention to FR 9(25) which defines special pay. He points out that special pay is to be given only for specially arduous nature of the duties and a specific addition to the work or responsibility. In the case of the Government orders for grant of special pay to the Scientists neither of these two conditions are met. In another words, these conditions have been relaxed. Accordingly, as per the arguments advanced by the learned counsel, a similar relaxation for the same reason for the same concessions should be available to the applicants before us, taking into account the achievements made by the organisation as a whole.

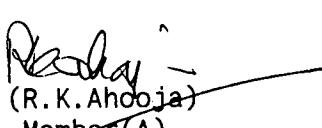
3. We have considered the matter carefully. it has already held by the Supreme Court in Associate Banks Officers Association Vs. State Bank of India and Others,

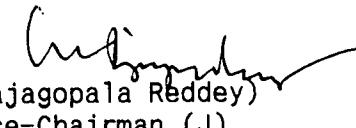
(2)

JT 1997(8) SC 422 that even between employees doing comparable work many ingredients go into the shaping of the wage structure in any organisation and the doctrine of equal pay for equal work has to be applied with caution. In Union of India and Another Vs. P.V. Hariharan and Others, 1997(3) SCC 568, the Supreme Court has also held that pay scale fixation is a function of the Govt. and not that of the Administrative Tribunals.

4. We are of the view that the same principle would apply in regard to the grant of allowances between two segments of Government employees as in the case of grant of pay scales. It is the function of the Government or of the expert bodies to determine as to what allowances should be granted to different segments of Government employees. If the respondents thought it fit to allow special pay or special allowances to only the Scientists considering their special work, it cannot be concluded that the same allowances should be granted to all other personnel working in the organisation. The category of Scientists is in any case distinguishable and distinct from other categories of personnel. To say that the applicants are also important to the organisation does not by itself create parity for purpose of pay or allowances.

5. In view of the above, we do not find any merit to intervene. Accordingly, the OA is dismissed at the admission stage itself.


(R.K. Ahooja)
Member (A)


(V.Rajagopala Reddy)
Vice-Chairman (J)

/rao/