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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO. 949/99

HON'BLE SHRI V.K.MAJOTRA, MEMBER(A)
HON'BLE SHRI SHANKER RAJU, MEMBER(J)

New Delhi, this the 16th day of February, 2001

1. Shri Tara Chand
Supervisor Instructor,
I.T.I. Subji Mandi, Delhi
(on the strength of I.T.I., Pusa, New Delhi)
2. Shri Satish Kumar Suri,
Supervisor Instructor,
I.T.I. Subji Mandi, Delhi.
3. Shri Sachidanand Sharma,
Surveyor,
Office of the Deputy Apprenticeship Advisor,
Arab ki Sarai,
New Delhi. ... Applicants

(By advocate: None)

Versus

1. Union of India
represented by the Secretary
Ministry of Finance
North Block, New Delhi.
2. Ministry of Labour
Government of India by its Secretary
Sharam Shakti Bhawan, Rafi Marg,
New Delhi-1.
3. The Director General
Director General of Employment and
Training, Min of Labour,
Sharam Shakti Bhawan,
Rafi Marg, New Delhi-1.
4. The National Capital Territory of Delhi
represented by its Secretary,
5, Sham Nath Marg,
Delhi.
5. The Director,
Directorate of Training and
Technical Education

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National Capital of Territory of Delhi
C-Block, Vikas Bhawan
I.P. Estate, New Delhi-2.Respondents

(By Advocates: Shri Rajinder Pandita, Respondent No.
4 and 5.
Shri M.K. Bhardwaj, proxy of Shri
A.K.Bhardwaj, Respondent Nos.1 to 3.

ORDER (Oral)

Hon'ble Shri V.K.Majotra M(A):

Since none has appeared on behalf of the applicants even on second call, we have proceeded to dispose of the matter under Rule 15 of the CAT (Procedure) Rules, 1987. We have perused the pleadings of all parties and heard learned counsel of Respondents 1 to 3 and Respondents 4 and 5 respectively.

2. The applicants have sought pay scales as applicable to the Craft Teachers/Work Experience Teachers in Delhi Schools on the basis of doctrine of 'equal pay for equal work', restoration of pre-existing parity in pay scales enforcement of the policy of the Government India, Ministry of Labour, contained in their letter dated 25.7.1996, fixing the pay scales at Rs.1640-2900 and that all the aforesaid Instructors as Rs.2000-3200 as well as enforcement of the orders of the Madras Bench of the Central Administrative Tribunal in OA No.1264/93, dated 2.3.1995 and in OAs No.537 and 538 of 1994 dated 3.7.1997. The applicants had earlier filed an application for impleadment along with the Craft

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Instructors who already filed OA No.372/98 before this Tribunal for the same relief as in this OA. However, as advised, they were permitted to withdraw the OA and have filed a fresh OA separately.

3. OA No.372/98 has been dismissed vide order dated 25.11.2000. The operative portion of the judgment is as follows:

"6. We have carefully considered the matter. The point for determination in this application is the parity in pay and allowances for the applicants with their counter parts working in the secondary schools in Delhi. The applicants pray that the parity which has been existing for quite some time and which has been continued through the 3rd & 4th Pay Commission has been subsequently disturbed and that the 5th Pay Commission has not rectified it inspite of detailed representation from their side and endorsements from certain Govt. agencies. It is this situation, the applicants would like us to interfere and amend. We regret the same cannot be done. Fixation of Pay & Allowances on the acceptance or otherwise of the doctrine of 'equal pay for equal work' is clearly not in our domain. It has to be done by expert bodies commissioned for the purpose with specific terms of reference. Pay Commission is such a body. The Fifth Pay Commission has after due deliberation and consideration of the representation of the applicants given their recommendation in para 104.60 that the parity sought by the applicants with those working in the secondary schools of Delhi was not acceptable. The expert body like the Pay Commission constituted for the specific purpose of going into the aspects of pay and allowances with reference to duties and responsibilities. Having considered and given their finding that the parity sought by the likes of the applicant cannot be considered, it is not for us to sit judgement over the same. We are infact precluded from doing

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so in view of the specific prescriptions of the Hon'ble of the Hon'ble apex Court in P.V.Hariharan's case. The matter thus stands settled. In view of the above, we cannot also issue any directions in the matter inspite of the decision taken by the co-ordinate Bench of the tribunal in Chennai referred to by the applicants.

7. The application, therefore, fails and is accordingly dismissed. In the circumstances of the case, we are ordering no costs."

4. The facts and circumstances of the present case are identical with those of OA No.372/98. The order dated 25.11.2000 in that OA is applicable to the facts and circumstances of the present case in its entirety. Consequently, this application fails and is accordingly dismissed. No costs.

S. Raju
(SHANKER RAJU)
MEMBER(J)

/RAO/

V.K.Majotra
(V.K.MAJOTRA)
MEMBER(A)