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Central Administrative Tribunal, Principal Bench

Original Application No. 1290 of 1998

New Delhi, this the 30th day of October, 2000

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Shri Bhudev Singh
S/o Shri Sri Ram
R/o E-814, Sanjay Gandhi Memorial Nagar,
Bhadkal Road, Faridabad (Haryana)

Working as Carpenter
Directorate of Marketing and Inspection
Government of India, Min. of Rural Areas and
Employment,
Faridabad

- Applicant

(By Advocate - Shri S.K. Gupta)

Versus

1. Union of India

Ministry of Rural Areas and Employment
Department of Rural Development,
Krishi Bhawan, New Delhi
(Through: Secretary)

2. Directorate of Marketing and Inspection

Government of India, Ministry of Rural Areas
and Employment,
Department of Rural Development
H.O. NH-4, Faridabad (Haryana)
(Through: Agricultural Marketing Adviser)

3. Directorate of Marketing and Inspection

Government of India, Ministry of Rural Areas
and Employment,
Branch Head Office, New Secretariat Building
Nagpur, Maharashtra
(Through: Director)

- Respondents

(By Advocate - Sh. Harvir Singh, proxy for Mrs. P.K. Gupta)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (J)

The applicant, who is working as Carpenter under respondents 2 and 3 is seeking parity of pay-scales with the carpenters who are working in Central Ground Water Board (in short 'CGWB'), Faridabad and other carpenters working in Doordarshan, IIT, CPWD etc.

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2. Before the implementation of 5th Pay Commission report, the applicant was in the pay-scale of Rs.950-1400 and has got replacement scale of Rs.3050-4590/-. The carpenters working in CGWB Faridabad were getting the pay-scale of Rs.1320-2040 and have got replacement scale of Rs.4000-6000/-.

3. Applicant's claim that he had been performing hard duties with higher responsibilities in comparison to carpenters of CGWB, Faridabad is admitted by respondents themselves as the respondents themselves had recommended the higher pay scale at par with carpenters of CGWB, Faridabad. It is further submitted that in the terms of doctrine of equal pay for equal work and on principle of estoppel, respondents cannot deny the pay-scale as being paid to carpenters of CGWB, Faridabad.

4. Respondents have contested the OA. However, they have admitted that carpenters of CGWB are getting pay scale of Rs.1320-2040 and in C.P.W.D. Rs.1200-2040. But it is denied that applicant possesses higher qualification and is performing duties with higher responsibilities. Respondents have submitted that carpenters in other organisations with which the applicant is seeking parity are also doing construction work, whereas the applicant is not doing the same.

5. It is also submitted that recruitment rules of other organisations prescribe better qualification than that of applicant. Lastly it is also stated that in the matter of pay fixation, it is the expert body like Central Pay Commission who can go in more depth and detail while prescribing the pay scales. So their recommendations are to be respected and courts should not normally interfere in pay-scale matters.

6. We have heard the learned counsel for the parties and gone through the records.

7. The learned counsel appearing for the applicant submitted that as far recruitment rules are concerned in case of applicant, he must pass a trade test whereas in case of carpenters of CGWB, they can be appointed with an experience certificate of a private concern. As such the qualifications prescribed in the recruitment rules governing the applicant are more stringent than that of CGWB carpenters.

8. It was also urged that since the respondents have themselves recommended the same pay scale, in that case even if the Central Pay Commission have not granted the same pay scale, respondents should grant the same.

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9. In our view, the contentions raised by learned counsel for applicant do not satisfy us to the extent that we may recommend the higher pay scale over and above the recommendations made by 5th Central Pay Commission.

10. First of all, Pay Commission is an expert body and they have deep study to examine the case from all the angles. In this case recommendations were sent to the 5th CPC but the same did not find favour with the CPC.

11. The applicant is unable to point out any hostile discrimination met out to him. So in view of the case of U.O.I. and Another Vs. P.V. Hariharan and Another, 1997 SCC (L&S) Page 838, wherein the Hon'ble Supreme Court had observed as follows:-

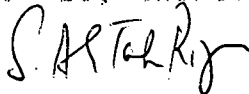
"C. Pay scale - Scope of judicial review - Unless a clear-cut case of hostile discrimination is made out, held, there should be no judicial interference with pay scales fixed by the Government on the recommendation of Pay Commission - Administrative Law - Judicial review of administrative action.

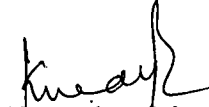
D. Pay scale - Fixation of, is the function of Govt. and not that of the Administrative Tribunals - Administrative Tribunals Act, 1985 - Ss.14 and 15 - Administrative Tribunals established under - Powers of - Administrative Law - Administrative or judicial function".

12. We find that the applicant cannot be granted parity of pay scale with carpenters of the other departments. *K*

13. Even the comparison of Recruitment Rules of applicant (R-3) with Recruitment Rules (R-6) of carpenters of CGWB, Faridabad will show that the qualifications prescribed for carpenters of CGWB, Faridabad is of higher standard than of applicant. Even job profile is different.

14. In view of the above discussion, we find that applicant's claim for parity has no merits. The O.A. is, therefore, dismissed. No costs.


(S.A.T. Rizvi)
Member(A)


(Kuldip Singh)
Member(J)

/Rakesh/