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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1718/1998
MA 1829/98

New Delhi this the 10th day of October, 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Sh. Govindan S. Tampi, Member (A)

1. Mr. Krishna Mahto
Ferro Printer
Planning & Development Unit
Prasar Bharti (AIR)
Akashwani Bhawan
New Delhi.
2. Mr. Ram Kishore
Ferro Printer
Planning & Development Unit
Prasar Bharti (AIR)
Akashwani Bhawan
New Delhi.
3. Mr. Rajendra Nipane
Ferro Printer
Planning & Development Unit
Prasar Bharti (AIR)
Akashwani Bhawan
New Delhi.
4. Mr. Satish Kumar
Ferro Printer
Planning & Development Unit
Prasar Bharti (AIR)
Akashwani Bhawan
New Delhi.
5. Mr. Jas Ram
Ferro Printer
Prasar Bharti (Doordarshan)
Mandi House
New Delhi.
6. Mr. Ved Prakash
Ferro Printer
Prasar Bharti (Doordarshan)
Mandi House
New Delhi.
7. Mr. Satish Singh
Ferro Printer
Prasar Bharti (Doordarshan)
Mandi House
New Delhi.

....Applicants.

(By Advocate : Sh. B.T. Kaul)

: V E R S U S :-

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1. Union of India
Through the Secretary
Ministry of Information & Broadcasting
Shastri Bhawan
New Delhi.

2. Director General
All India Radio
(Planning & Development Unit)
New Delhi.

3. Director General
Doordarshan
Mandi House
New Delhi.

....Respondents.

(By Advocate Sh. A.K. Bhardwaj)

O R D E R (ORAL)

By Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)

The applicants in this case are Ferro Printers in the Planning and Development Unit of the AIR and Doordarshan. They filed the present OA for the grant of the pay scale of 3200-4900 as has been ordered to be paid to the Ferro Printers in the same Ministry in the Civil Construction Wing on the principle of 'equal pay for equal work'. The representations made by them have been rejected by a non-speaking order. It is the contention of the learned counsel for the applicant that Ferro Printers in all the Departments in the Ministry are discharging the same responsibilities & duties with almost similar Recruitment Rules and Service Conditions and hence they are entitled to be paid the higher pay scale which was granted to some of the Ferro Printers in the Ministry in other branches. Learned counsel also invites our attention to the directions given by the Tribunal in OA No. 2229/96 dated 15-10-96 in a similar matter and as per the directions given, they made representations and accordingly the Government had paid the revised pay scales to the Ferro Printers in Civil Construction

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Wing of AIR and Prasar Bharti by order dated 24-03-98. Learned counsel for the applicant, therefore, contends that there can be no reason for discriminating the applicants from the Ferro Printers of other wings in the Department in the same organisation.

2. Learned counsel for the respondents Sh. Bhardwaj, however, contends that the Government having considered the ^{equivalence} ~~equivalence~~ of the two posts ^{and} having found that the applicants are not discharging the same duties of Ferro Printers in other Departments of CPWD has rejected their representation in the impugned order dated 15-7-98. Learned counsel also invites our attention to the judgment of the Supreme Court in UOI Vs. P.V.Hariharan, 1997 SCC (L&S) P.838 in support of his contention that the Tribunal will not normally embark upon fixing of pay scales which should be left to the Government.

3. It is true that, it is not open to the Tribunal to examine the issue once again, after the Government have considered the same and rejected the request of the applicants, but from the perusal of the impugned order, we find that the Govt. does not address itself to the various aspects raised by the applicants. No reasons have been assigned in support of the conclusions that the applicants were not entitled for the higher pay scales as demanded by them. It is clear from the representation made by them individually and the representation which has been filed in this case dated 24-3-98 that they had stated that the Recruitment Rules, duties etc. are identical and, therefore, the pay scales should also

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be identical. None of those points have been answered by the respondents. Law is well settled that there should be parity of pay scales between the employees discharging the same duties in the same department. To avoid the vice of hostile discrimination it is necessary for the respondents to clearly state the reasons for the decision. The impugned order owefully lacks in such reasons.

4. In the circumstances, we dispose of the OA, directing the respondents to reconsider the representation already made. It is also open to the applicant to file a fresh representations, but it should be done within a period of 4 weeks from today and that should be disposed of within 3 months thereafter. The OA is accordingly disposed of. No costs.

(Signature)
 (Govindan S. Tampi)
 Member (A)

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

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