

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 372/98

New Delhi. this the 2nd day of ~~October~~ ^{November}, 2000

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

1. Industrial Training Centres Employees Union, New Delhi with its office at Basic Training Centre Pusa, New Delhi represented by the General Secretary, Charanjeet Singh.
2. Charanjeet Singh-Craft Instructor as General Secretary of the Petitioner No.1 Union and in his own behalf. Basic Training Centre Pusa, New Delhi.
3. Anil Malik-Craft Instructor as President of Petitioner No.1 Union and in his own behalf Industrial Training Institute Jahangirpuri Delhi - 33

(By Advocate : Sh. A. Mariaroutham)

V E R S U S

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 IInd and IVth Floor. Sharam Shakti Bhawan, Rafi Marg New Delhi - 1.
3. The Director General Director General of Employment and Training, Sharam Shakti Bhawan Rafi Marg, New Delhi-1.
4. The National Capital Territory of Delhi represented by its Chief Secretary
5. Sham Nath Marg Delhi.
5. The Director Directorate of Training and Technical Education National Capital Territory of Delhi

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C-Block, Vikas Bhawan
I.P.Estate, New Delhi-2.

(24)
... Respondents

(By Advocate : Vijay Pandita for Respondents No.4&5)
(Sh. Anand Hari Agarwal, on behalf of respondents No.
2&3.

O R D E R

By Hon'ble Sh. Govindan S. Tampi, Member (Admn)

Grant to the applicants of pay scales as applicable to the Craft Teachers/Work experience teachers in Delhi Schools on the basis of the doctrine of 'equal pay for equal work'. restoration of pre-existing parity in pay scales enforcement of the policy of the Ministry of Labour contained in their letter dated 25-7-96. fixing the pay scales at 1640-2900. as well as enforcement of the orders of Madras Bench of the Central Administrative Tribunals in a few OAs are, among the reliefs, sought in this application.

2. The applicants are the Industrial Training Centre Employees Union, New Delhi, its General Secretary and President, who are themselves Crafts Instructors. The Craft Instructors/Vocational Instructors in ITI, Delhi, have the basic qualification of 10+2 or equivalent, National Trade Certificate and three years practical experience in the concerned trade or three years diploma in Engg/Tech. along with one year practical experience in the trade. They have also been performing functions and responsibilities as those who are working in Sr. Sec. Schools, Delhi. Infact, they hold technically higher positions. Their jobs also are more onerous than those of the craft teachers in the Delhi schools, a fact which has been accepted by

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the Ministry of Labour and the Delhi Administration themselves. Further, during 1961-70 they were getting higher pay than those working in Delhi schools. but they suffered a set back in 1970. The parity was restored in 1972 and the pay scales were merged w.e.f 25-7-70. This was continued by both the Third Pay Commission and the Fourth Pay Commissions. Their scale of pay stood at Rs. 1400-2600/-. However, this was disturbed in 1988 when Govt. of India gave the teachers in Delhi Schools a further pay scale of Rs. 1640-2900 after 12 years and further raise to Rs. 2000-3000 after next 5 years. Medical and teaching allowances were also given to them. On their making representation against the above, the applicants were advised that the entire issue would be gone into by the 5th Pay Commission which has been constituted. In 1992, they were also given the promotion in the scale of Rs. 1640-2900 This was endorsed by the Delhi Cabinet also w.e.f. 1-1-86 and the Govt. of NCT of Delhi sought the concurrence of the Govt. of India for giving effect to the same by their letters on 26-8-95, 1-11-95 and 12-12-95. Fifth Pay Commission also was accordingly requested. The Pay Commission, however, in their paragraph 104.60 didnot favourably consider the case of parity for the applicants, but only recommended for ACP in the scales of 1640-2900 and 2000-3500 in the first and second stages respectively. ACP. However, in the case of Crafts Teachers in the Delhi schools the ACP was reckoned at Rs. 2000-3200/- and Rs. 2500-4000 after ten years and eight years respectively. The Pay Commission, therefore, failed, to examine the case in a proper manner with the result, the Delhi teachers had the

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benefit of the higher sales of Rs. 1640-2900/- which was denied to the applicants. The representation made to Delhi Administration has not evoked any favourable response. Communications endorsing the case of the applicants including the letter dated 26-5-97 of the Director General of Employment and Training, Ministry of Labour, and suggesting parity for them with the Crafts Teachers in Delhi Schools had also not borne fruit. Govt. of India notification dated 13-9-97 mechanically followed the recommendation of the 5th Pay Commission and adopted the pay scale of Rs. 1400-2600/- for the applicant, following it up with the replacement scale of Rs. 5000-8000/-. Further ACP was also not granted.

3. In the meanwhile, the Crafts Instructors and Vocational Instructors working in Madras moved the C.A.T. in OA No. 1264/93 and were granted the scale of 1640-2900 on 2-3-95. This was followed in the decisions of OA No. 537/94 & 538/94 on similar lines. The applicants are, therefore, seeking the extension of the benefit of the above decision with the full replacement scales for them as well.

4. Contesting the above, the respondents plead that there cannot be any parity between the Crafts Teachers in ITIs and those working in the Delhi schools. The 5th Pay Commission which was an expert body had taken a decision after considering all the points and held that there was no case of parity. There was no anomolus situation which calls for rectification and when the Pay Commission has deliberated on the issue, nothing remained to be done

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as has been brought out in the Hon'ble Supreme Court's decision in UOI & Ors. Vs. P.V. Hariharan. There was no case for extension of the decision of the Chennai Bench of the Tribunal to the Crafts Teachers at Delhi as they were no parties in the OA and they are not similarly circumstanced. The action of the respondents has been just and proper and the demand by the applicants has no basis. The Craft Instructors and Vocational Instructors of ITIs in Delhi are having different job content and performing different duties than those working in the secondary schools and their attempt through this application is to gain the certain benefit which they are not entitled to. The various other pleas raised are not material as the job content are different and nothing further turned on that. The plea for parity has been correctly negatived by the Fifth Pay Commission and the same cannot be re-opened.

5. We have heard the counsel for the applicant and for the respondents. Sh. A. Mariaroutham, the learned counsel for the applicants strongly reiterates that they have been discriminated against and, therefore, they should get the benefit of decision of the Chennai Bench of Tribunal in the other OAs and they should be placed on equal footing with the Crafts Instructors and Vocational Instructors of Delhi schools. Sh. K.C. Dewan, learned counsel for the respondents on the other hand contest the above and states that the Pay Commission having given its findings, it may not be proper for the Tribunal to interfere in this matter, as the concept of 'equal

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pay for equal work' was not in its domain. This view was endorsed by Sh. Vijay Pandita, who is appearing for the private respondents.

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

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in judgment over the same. We are infact precluded from doing so in view of the specific preserptions 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.

(Govindan S. Tambi)
Member (Admn)

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