

-2A- CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.No.841/98

New Delhi, this the 24th day of Sept. 2000.

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

In the matter of :-

1. Prabhu Dayal S/O Sh. Hari Dass
2. Satbir Singh S/O Sh. Harphool Singh
3. Sat Parkash S/O Sh. Suraj Bhan

Working as Cobbler in 4th Bn. DAP Delhi.

4. Darye Singh S/O Sh. Mool Chand
5. Milki Ram S/O Sh. Nandu Ram

Working as Cobbler in 1st Bn, DAP, Delhi.

6. Surender Kumar S/O Sh. Buthan Lal

Working as Cobbler in 2nd Bn, DAP, Delhi.

7. Jagdish S/O Sh. Dalip Singh
8. Azad Singh S/O Sh. Moji Ram

Working as Cobbler in 3rd Bn, DAP, Delhi.

9. Nand Ram S/O Sh. Thana Ram
10. Ghashi Ram S/O Sh. Girdhari Lal
11. Randhir Singh S/O Sh. Jugga Ram

Working as Cobbler in 5th Bn, DAP, Delhi.

12. Sumer Singh S/O Sh. Barwari Lal
13. Hargu Lal S/O Sh. Baldeva Singh
14. Chandgi Ram S/O Sh. Nirtha Ram

Working as Cobbler in 6th Bn, DAP Delhi.

15. Ramesh Chand S/O Sh. Jai Dayal
16. Chhida Ram S/O Sh. Gurji Ram

Working as Cobbler in 7th Bn, DAP Delhi.

17. Prabhu Dayal S/O Sh. Hst Ram
18. Ram Gopal S/O Sh. Rati Ram
19. Satbir Singh S/O Sh. Rai Singh

Working as Cobbler in 8th Bn, DAP, Delhi.

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20. Dharam Pal S/O Sh. Ghashi Ram
 21. Surender Kumar S/O Sh. Mala Ram
 22. Gopi Ram S/O Sh. Girdhari Lal

Working as Cobbler in 9th En, DAP Delhi.

23. Mahender Singh S/O Sh. Amar Singh
24. Shiv Charan S/O Sh. Roop Chand
25. Meer Singh S/O Sh. Jugga Ram

Working as Cobbler in 10th En, DAP Delhi.

26. Kishan Lal S/O Sh. Biraj Lal
27. Mukam Chand S/O Sh. Godhu Ram
28. Shri Ram S/O Sh. Mange Ram
29. Mahabir Singh S/O Sh. Surat Singh
30. Onkar S/O Sh. Bag Raj
31. Prem Kumar S/O Sh. Shri Ram
32. Ram Dhan S/O Sh. Kehari Lal
33. Subh Ram S/O Sh. Ramji Lal

Working as Cobbler in P.T.S. Jharoda Kalan DAP Delhi.

34. Hari Chand S/O Sh. Man Raj

Working as Cobbler in DAP, PPG Line RP Bhawan, Delhi.

35. Ram Kishan S/O Sh. Tara Chand

36. ~~Shri Lal~~ S/O Sh. ~~Shri Lal~~
Working as Cobbler in DAP, South Distt,
Malviya Nagar, Delhi.

36. Suraj Bhan S/O Sh. Darya Singh

Working as Cobbler in DAP, & North West Distt,
Ashok Vihar, Delhi.

37. Jawahar Singh S/O Lala Ram

Working as Cobbler in DAP, Central Distt Delhi.

38. Babu Lal S/O Sh. Doji Ram

Working as Cobbler in DAP, North East, Delhi.

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39. Azad Singh S/O Sh. Moji Ram

Working as Cobbler in DAP, Traffic Line
Teen Murti, Delhi.

40. Jaswant Singh S/O Sh. Harish Chand

Working as Cobbler in DAP, IIIrd Bn, DAP
Vikash Puri Delhi.

41. Ishwar Dass S/O Sh. Jagan Nath

Working as Cobbler in DAP, South Distt, Delhi.

(By Advocate: Sh. S.K. Gupta) Applicants

Versus

1. Delhi Administration, through its
Chief Secretary, Old Secretariat, Delhi.
2. The Commissioner of Police,
New Delhi Police, I.P. Estate, New Delhi.
3. The Deputy Secretary,
Ministry of Home Affairs Police Deptt.
New Delhi.

. Respondents

(By Advocates: Sh. George Paracken for Respondent
Nos. 1 & 2.

Sh. V.S.R. Krishna for Respondent No.3)

ORDER

delivered by Hon'ble Mr. S.A.T.Rizvi, M (A);

Through this OA, the applicant seeks quashment of respondents' letter/order dated 15.4.97 (Annexure A-1) and the subsequent letter/order dated 9.4.97 (Annexure A-2). Through these orders, the applicant has been denied the higher scale of Rs.950-1400/- mainly on the ground that the qualifications prescribed for Mochies/Boot Makers/Cobblers as well as the work content⁴ of the job in the organisations named by the applicant, for the sake of comparison are different from the qualifications and the work content of the job he is supposed to perform in Delhi Police.

2. The respondents have given details of the qualifications prescribed for Mochies/Boot-makers/Cobblers in various organisations such as the CRPF, the CISF and the RPF and have also placed on record a comparative chart showing the qualifications, duties etc. in respect of Mochies/Boot-makers/Cobblers working in the said organisations and in Delhi Police. Since the applicant had sought comparison with the scales etc. made available in the Ministry of Defence as well as in the Safdarjung Hospital, the respondents have furnished details in respect of these organisations also. A possible comparison with Dhobies/Barbers sought to be established by the applicant, has been negated by the respondents on the simple ground that the Dhobi/Barber trades are totally different from the trade of Mochies/Boot-makers/Cobblers.

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3. We have heard the learned counsel for both the parties and have perused the material on record.

4. From the information supplied by the respondents and not rebutted by the applicant, the Ministry of Defence employs two categories of Boot-makers in semi-skilled and skilled categories respectively. The former category gets the pay scale of Rs.800-1150/- and the latter Rs.950-1500/-. The skilled Boot-makers in that organisation are direct recruits with ITI certificates who are initially taken as semi-skilled Cobblers and after a period of two years, are inducted as skilled Cobblers. In the process of change from the semi-skilled to skilled category, the employee has to pass a trade-test also. Similarly in Safdarjung Hospital, the Cobblers are supposed to be Matriculates with a certificate from a recognised institution in shoe-making and they are given the pay scale of Rs.950-1500/-. Looking at the chart placed on record by the respondents, one finds that a comparison in the real sense is possible only between Cobblers of Delhi Police and those working in the CISF. In both these organisations, the duties are identical and the qualifications prescribed are also nearly identical. In the CISF, the revised scale of pay made available to Cobblers after the 4th Pay Commission is Rs.800-1150/- which is precisely the scale the Cobblers in Delhi Police get. The applicant is accordingly also receiving pay in the same scale of Rs.800-1150/-.

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5. The applicant has placed reliance on Hon'ble Supreme Court's ruling in Bhagwan Dass & Others Vs. State of Haryana & Ors. [1987] 3 SCR 714 to bring home his contention that parity in pay scales must follow whenever the duties/jobs performed are identical. We find, however, that no such identity has been clearly established nor are the qualifications^{the} same between the Delhi Police Cobblers and any other organisation/Ministry referred to in this order giving a higher scale to Cobblers.

6. During the course of hearing, we have been reminded that it is not the task of this Tribunal to lay down the qualifications and the work content in respect of various jobs. This task, we are rightly told, is legitimately performed by expert bodies such as Pay Commission appointed by the Govt. The applicant-Cobbler and the others like him in Delhi Police, not covered by specific recommendations of the Pay Commission and, therefore, are destined to continue to receive salary in the pay scale of Rs.800-1150/-. We agree.

7. In the result, the OA fails and is dismissed without any order as to costs.

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

Kuldip Singh
(Kuldip Singh)
Member (J)

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