

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA-1025/98

MA-1357/98

MA-1729/98

MA-2401/98

(18)

New Delhi this the 15th day of December, 2000.

Hon'ble Sh. S.R. Adige, Vice-Chairman(A)
Hon'ble Dr. A. Vedavalli, Member(J)

1. Sh. A.K. Tyagi,
S/o Sh. R.N. Tyagi,
SDE (Hort),
Office of Chief General Manager,
Advance Level Telecom Training
Centre, Ghaziabad.
2. Sh. Madan Lal,
S/o Sh. R.S. Sharma,
SDE (Elect. II),
Office of Chief General Manager,
Advance Level Telecom Training
Centre, Ghaziabad.
3. Sh. Sanjay Kumar Rao,
S/o Sh. S.K. Rao,
SDO-II, Ghaziabad.
4. Sh. C.S. Sinha,
S/o Sh. I.B. Sinha,
C.I.T.C.,
Ghaziabad.
5. Sh. I.C. Verma,
S/o Sh. Likhi Ram,
A.L.T.T.C. Ghaziabad.
6. Sh. V.K. Chamola,
S/o Sh. B.D. Chamola,
A.L.T.T.C.,
Ghaziabad. Applicants

(through Mrs. Rani Chhabra, Advocate)

Versus

1. Union of India,
through its Secretary,
Ministry of Communication,
Dept. of Telecommunication,
New Delhi.
2. Assistant Director General(PAT),
Dept. of Telecommunication,
Sanchar Bhawan, Ashoka Road,
New Delhi. Respondents

(through Sh. VSR Krishna, Advocate)

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ORDER (ORAL)
Hon'ble Sh. S.R. Adige, Vice-Chairman(A)

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Applicants seek a direction to respondents to grant them the higher scale of pay as are being given to Junior Engineers (JEs for short) according to the recommendations of the 5th Pay Commission Report with all consequential benefits.

2. We have heard applicants' counsel Mrs. Rani Chhabra and respondents' counsel Sh. VSR Krishna.

3. Mrs. Chhabra herself states that pursuant to the recommendations of the 3rd Pay Commission, applicants who initially were ^{redesignated} as Technicians, were placed in the scale of pay of Rs. 260-480 while JEs were placed in the scale of Rs. 425-700. Similarly pursuant to the recommendations of the 4th Pay Commission, applicants, who meanwhile were redesignated as Telecom Technical Assistants, were placed in the scale of Rs. 975-1660 while JEs were placed in the scale of Rs. 1400-2300. We are informed that pursuant to the recommendations contained in the Agarwal Committee report, these Telecom Technical Assistants were subsequently placed in the higher scale of pay of Rs. 1320-2040, and as per the recommendations of the 5th Pay Commission have been presently placed in the scale of Rs. 4500-7000, while JEs have been placed in the scale of Rs. 5000-8000.

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4. Applicants based their claim on the contention that they possess the same academic qualification as JEs, and are also classified as General Central Service Group-C non-gazetted, non-ministrerial employees like JEs.

5. Mere academic qualifications, and/or indeed classification in the recruitment rules themselves, would not be sufficient to successfully claim parity in pay scales on the basis of equal pay for equal work.

6. No materials have been furnished by the applicants to establish that they are performing the same duties and responsibilities as JEs and that their workload and criteria of performance is the same. Indeed, JEs belonging to the engineering services as has been made clear in Para-37 of the 5th Pay Commission's report whereas applicants upon their own showing are designated as Telecom Technical Assistants. Ever since the 3rd Pay Commission, there has been a difference in the pay scales in the 2 sets of posts.

7. That apart, Paras 50.23 and 50.24 of the 5th Pay Commission's report make it clear that such of those members of the engineering services who were in the scale of Rs. 1400-2300, were recommended a higher pay scale of Rs.1600-2660 and on that basis they have been placed in the scale of Rs. 5000-8000. For applicants to claim successfully the aforesaid scale of

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Rs. 5000-8000, they have to establish that they were in the pay scale of Rs. 1400-2300, which was subsequently proposed to be revised to Rs. 1600-2660. No materials have been furnished before us to establish that applicants were in the aforesaid scale of Rs. 1400-2300.

8. Mrs. Chhabra relies on Para 50.24 of the 5th Pay Commission Report, but a perusal of the same make it clear that it would be applicable only in respect of those who were in the pay scale of Rs. 1400-2300. As applicants were not in the pay scale of Rs. 1400-2300 at the relevant point of time, Para 50.24 does not come to their assistance.

9. In this connection our attention has been invited to the order dated 30.09.93 passed by the Central Administrative Tribunal Calcutta Bench in OA No. 617/87 (Debasish Kundu & Ors. Vs. U.O.I. & Ors). In that OA, respondents had been directed to consider the claims of those applicants in the light of the report of Agarwal Committee and if the Central Government was satisfied that the applicants were entitled to higher scale of pay in consideration of their recruitment, qualifications and job contents, respondents had been directed to pass necessary orders in that regard within a specified time period and it had been held that they would be entitled to the benefits of the report of the Agarwal Committee.

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10. Mrs. Chhabra has contended during hearing that the aforesaid recommendations of the Aggarwal Committee have not been implemented as yet. This assertion has been denied by Sh. VSR Krishna and in their reply also respondents have stated that the Aggarwal Committee Report has been implemented.

11. If the applicants are identically placed as Debasish Kundu & Ors. who were applicants in OA-617/87, and the recommendations of the Aggarwal Committee Report have not been implemented as yet, respondents should have no difficulty in extending the benefits of the recommendations of the Aggarwal Committee Report to the applicants, to the extent that those recommendations have not been superseded by subsequent events including the recommendations of the 5th Pay Commission, and Government's decision thereon.

12. Subject to the above, no good ground has been made out for warrant our interference in this matter. The O.A. is accordingly dismissed.

No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member(J)

Adige
(S.R. Adige)
Vice-Chairman(A)