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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.423/95

Dated this the 1st Day of March, 1995.

Shri N.V. Krishnan, Hon. Vice Chairman(A)
Dr. A. Vedavalli, Hon. Member(J)

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|-----|----------------|-------------------------------|
| 1. | Jaipal Singh | S/o Shri Mohar Singh, |
| 2. | Ashok Kumar | S/o Shri Banwari Lal, |
| 3. | Mahender Singh | S/o Shri Rama Nand, |
| 4. | Gupteswar | S/o Shri Brij Bihari Mishra, |
| 5. | Balok Singh | S/o Shri Kesar Singh, |
| 6. | Rameshwar | S/o Shri Maya Chand, |
| 7. | Rawan Kumar | S/o Shri A. Kumar, |
| 8. | Ram Kumar | S/o Shri Rai Singh, |
| 9. | Mukesh Kumar | S/o Shri Mool Chand, |
| 10. | Sant Lal | S/o Skhri Jai Singh, |
| 11. | Hazari Lal | S/o Shri Budh Ram, |
| 12. | Shiv Kumar | S/o Skhri Bhandha Ram, |
| 13. | Bharat Man | S/o Shri Hardev Man, |
| 14. | Vijay Singh | S/o Shri Bisham Bhatt, |
| 15. | Munshi | S/o Shri Chati.....Applicants |

All are working as Malies in Delhi Police and presently posted at Police Training School, Jharoda Kalan, New Delhi.

By Advocate: Shri V.P. Sharma.

versus

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| 1. | Union of India through
The Secretary,
Ministry of Home Affairs,
Government of India, New Delhi. |
| 2. | The Chief Secretary,
N.C.T.D. Old Secretariate, Delhi. |
| 3. | The Commissioner of Police,
Delhi Police Headquarters,
I.P.Estate, New Delhi. |
| 4. | The Principal,
P.T.S. Delhi Police,
Jharodha Kalan, New Delhi. ...Respondents |

By Advocate: None.

O R D E R (Oral)
(By Shri N.V. Krishnan)

The applicants are Malis under the Delhi Police. They seek the same pay as it is paid to the Malis in the Central Public Works Department on the principle of 'equal pay for equal work'.

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2. An Arbitration agreement under Section 19(A) of the I.D. Act was entered into on 31st October, 1986, between the Management of CPWD and CPWD Mazdoor Union to refer the dispute regarding re-categorisation /reclassification of Work-Charged and Regular Classified category workers in the CPWD to arbitration. The Board of arbitrators gave their award in the matter on 31st January, 1988. The said award was challenged on behalf of the Union of Indiaⁱⁿ a Writ Petition before the Hon'ble High Court of India (2792 of 1988) which was partly allowed by the Hon'ble Court in its judgment dated 28.1.92. Subsequently, the Government filed an SLP before the Supreme Court of India, against the award as well as the judgment of the High Court which was dismissed on 13th August, 1993. A review Petition was also filed before the Hon'ble Supreme Court after the dismissal of the SLP but the same has also been dismissed on 19.11.93. Accordingly, the arbitration award dated 31.1.88 as modified by the Delhi High Court Judgment dated 28.1.92 has now, become absolute. By the O.M. dated 20.12.93 (Annexure A-1) orders were issued implementing the Award. One of the beneficiaries of the Award are the Malis of the C.P.W.D.

3. The applicants have made a representation to the respondents on 25.11.94 (Annexure A-8) which has not been disposed of. It is stated in the representation that consequent upon the award, the Malis in the C.P.W.D. are now getting a higher pay scale. That pay scale is demanded by the applicants also.

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4. We have heard the learned counsel for the applicant.

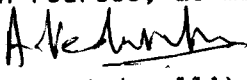
5. He states that the applicants were also Malis and are entitled to the same consideration as the Malis who have been benefitted by the Annexure A-1 order. We have seen the representation made by the applicants. There is hardly any reference in that representation as to how Articles 14 & 16 have ^ubeen violated. Nothing is mentioned about the Award itself ^ufor the modification made by the High Court. A bland averment has been made in the representation that the Malis under the Delhi Police are doing identical duties as the C.P.W.D. Malis.

6. We are of the view that for a proper consideration of such a representation claiming 'equal pay for equal work', the representation should specifically spell out the various features on the basis of which, the claim of 'equal pay for equal work' is being made. On that basis alone, the competent authority can take a proper decision. The Annexure A-8 of the representation fails to represent the claim properly. We are, therefore, of the view that the applicants should make a proper representation to the respondents in the light of the above observation.

7. In the circumstances, this application is premature and, therefore, it is dismissed with liberty to the applicants to move a fresh representation

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before the authorities concerned in the manner mentioned above. It is also open to them to approach the Fifth Central Pay Commission for relief. In case, they are still aggrieved, it is open to them to seek such redress, as may be advised in this regard.


(Dr. A. Vedavalli)
Member(J)

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(N.V. Krishnan)
Vice Chairman(A)

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