

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 192/1996

New Delhi this the 2nd day of November, 1999.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S. P. BISWAS, MEMBER (A)

1. Jaipal Singh S/O Mehar Singh.
2. Ashok Kumar S/O Banwari Lal.
3. Mahendar Singh S/O Ramanand.
4. Gupteswar S/O Brij Bihari Mishra.
5. Balok Singh S/O Kesar Singh.
6. Rameshwar S/O Maya Chand.
7. Pawan Kumar S/O A.Kumar.
8. Ram Kumar S/O Rai Singh.
9. Mukesh Kumar S/O Mool Chand.
10. Sant Lal S/O Jai Singh.
11. Bharat Singh S/O Hardev Singh.
12. Vijay Singh S/O Bisham Bhatt.
13. Munshi S/O hati Ram.

(All are working as Malis
in Delhi Police Training
School, Jharoda Kalan,
New Delhi).

... Applicants

(By Shri V. P. Sharma, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of Home Affairs,
Govt. of India,
New Delhi.
2. Chief Secretary,
N.C.T.D. Old Secretariat,
Delhi.
3. Commissioner of Police,
Delhi Police, I.P.Estate,
New Delhi.
4. Principal,
P.T.S. Delhi Police,
Jharoda Kalan,
New Delhi.

... Respondents

(By SI Dalbir Singh, P.T.C., Jharoda Kalan,
New Delhi, Departmental Representative)

O R D E R (ORAL)

Shri S. P. Biswan, AM :

The applicants, 13 of them, are Malies in Delhi
Police and are presently working at Police Training

School, Jharoda Kalan, New Delhi. They are before us seeking relief in terms of affording them benefits of the award given to the similarly placed employees working in the Central Public Works Department, Government of India on the basis of equal-pay-for-equal-work. The law is very well settled in respect of issues touching upon the claims of "Pay parity". The apex court in a catena of decisions has examined the issues raised in this OA. A few of them covering the pleas and reliefs prayed for herein are hereunder:

- (1) AIR 1982 SC 877 : Kripa Rangiah v. Special Dy. Controller, Land Acquisition.
- (2) 1987 (4) SCC 634 : Bhagwan Das & Anr. v. State of Haryana & Ors.
- (3) ATJ 1989 (1) 653 : Mewa Ram Kanojia v. A.I.I.M.S. & Ors.
- (4) JT 1996 (2) SC 418 : State of U.P. & Ors. v. Ramashrya Yadav & Anr.
- (5) 1993 (1) SCC 539 : State of M.P. & Anr. v. Pramod Bhartiya & Ors.

2. Based on the judicial pronouncements of the Hon'ble Supreme Court on the aforementioned cases, the following principles are required to be followed and applied in adjudicating claims of a group of people seeking the same scale of pay being enjoyed by others, allegedly similarly placed:-

- (i) Source of recruitment;
- (ii) Educational qualifications;
- (iii) Functions and responsibilities being identical both in terms of quality and quantity

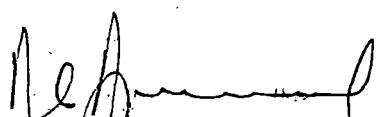
(iv) They have similar avenues/prospects of promotion;

(v) Hazards in the jobs involved and above all

(vi) There has to be a case of discrimination between the two groups.

3. The Apex Court has warned that courts/Tribunals are to go slow in such matters since these are to be examined by expert bodies and no interference in the matter of pay scales is called for unless the aforesaid principles are satisfied simultaneously. The learned counsel for the applicants has not been able to establish that the principles on the basis of which such parity could be claimed are available in the case of the applicants herein.

4. In the absence of supporting details, we do not consider it an appropriate case warranting our interference in the matter. The OA is devoid of merit and is accordingly dismissed, but without any order as to costs.


(Ashok Agarwal)
Chairman


(S. P. Biswas)
Member (A)

sns.