

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 2013

of 1996 Decided on: 24.2.98

11
Applicant(s)

S.P. Kohli & Ors.

(By Advocate: Shri S.S.Tiwari)

Respondents

U.O.I. & Ors.

(By Advocate: Shri K.C.D.Gangwani)

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches
of the Tribunal? NO

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 2013 of 1996

New Delhi, dated the 24 February 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Shri S.P. Kohli,
S/o late Shri Mulkh Raj Kohli,
59/P Sector No.4,
DIZ Area,
Bangal Sahib Road,
New Delhi-110001.
2. Shri Rameshwar Dayal,
S/o Shri Harpal Singh,
R/o A-425, Sangam Park,
Rana Pratap Bagh,
Delhi-7.
3. Shri Hem Nath Singh,
S/o Shri Mangnu Singh,
R/o J-848, Park Street,
New Delhi.
4. Smt. S. Mehta,
S/o Shri J.S. Mehta,
R/o Sector IV/182,
R.K. Puram,
New Delhi.
5. Shri Sukh Dayal,
S/o Shri P.N. Verma,
B-6/47, Sector No.18,
Rohini,
Delhi-110085.
6. Shri H.C. Mittal,
S/o late Shri Med Ram,
R/o G-12, Laxmi Nagar,
Delhi-110092.
7. Smt. Suman Mehta,
W/o Shri M.G. Mehta,
R/o C-1/45, Janakpuri,
New Delhi-110058.
8. Mrs. Veena Sethi,
W/o Shri Satish Sethi,
R/o 156, Vinobha Puri,
Lajpat Nagar,
New Delhi.
9. Smt. Neeraj Sharma,
W/o Shri R.C. Sharma,
X/936, Chand Mohalla, Gandhi Nagar,
Delhi-31.
10. Smt. Sudha Sharma,
W/o Shri A.S. Sharma,
N-8B Saket,
New Delhi-110017. APPLICANTS
(By Advocate: Shri S.S.Tiwari)

Union of India through

1. The Secretary,
Ministry of Finance,
Dept. of Company Affairs,
Shastri Bhawan,
New Delhi-110001.
2. The Secretary,
Monopolies & Restricted Trade
Practices Commission,
Kota House,
Shahjahan Road,
New Delhi-110011. RESPONDENTS

(By Advocate: Shri K.C.D.Gangwani)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants who are Assistants/Stenos.

Grade II in MRTP Commission (with the exception of applicant No.6 who is now P.S. in CAT, P.B., New Delhi) impugn respondents' order dated 5.6.92 (Annexure A) rejecting their request for revision of pay scale of Rs.1640-2900.

2. Applicants contend that prior to 1.1.86 they were in the pre-revised scale of Rs.425-800 which was at par with members of CSS/CSSS. The 4th Pay Commission in its recommendations which came into effect from 1.1.86 had recommended the revised scale of Rs.1400-2600 to Assistants/Stenos. Grade C of CSS/CSSS, while pursuant to O.M. dated 31.7.90 consequent to CAT, P.B. decision dated 23.5.89 in O.A. No. 1538/87 was revised to Rs.1640-2900 w.e.f. 1.1.86. By the

aforesaid O.M. this scale of Rs.1640-2900 was also made applicable to Assistants/Stenos. in other organisations like Ministry of External Affairs which were not participating in CSS/ CSSS but where posts were in comparable grades with same qualification and pay scales and the method of recruitment through open competition is also the same. Applicants complain that in their case the 4th Pay Commission recommended scale of Rs.1400-2300 w.e.f. 1.1.86 were accepted and not revised to Rs.1400-2600, although their qualifications, mode of recruitment and duties and responsibilities are the same, which is illegal and arbitrary and violative of the principle of equal pay for equal work.

3. We have heard Shri Tiwari for applicants and Shri K.C.D. Gangwani for respondents.

4. Shri Tiwari has asserted that the scale of Rs.1640-2900 has been extended to Assistants/Stenos. Grade II working in other departments/organisations also such as CBI, the Intelligence Bureau, CAT, BSF, Dte. General of Income Tax an attached office of CBDT, Ministry of Finance, Dte. of Field Publicity of Ministry of I & B, etc. and there are no good reasons why the same pay scale should not be granted to the applicants. In this connection heavy reliance has been placed on the CAT, Principal Bench's judgment dated 19.1.96 in O.A. No. 144-A/93 V.R. Panchal & Ors. Vs. UOI & Ors. and connected cases.

5. On the other hand Shri Gangwani has emphasised that the conditions specified in O.M. dated 31.7.90 are not fulfilled to make applicants entitled to the scale of Rs.1640-2900.

6. We have given the matter our careful consideration.

7. In respondents' O.M. dated 31.7.90 the revised scale of Rs.1640-2900 has been prescribed w.e.f. 1.1.86 for duty posts included in Assistants Grade of CSS and Grade 'C' Stenos. of CSSS and this scale has also been extended to Assistants/Stenos. in other organisations like MEA which are not participating in CSS/CSSS but where

- (i) the posts are in comparable grades
- (ii) with same classification and pay scales
- (iii) the method of open competition is also the same.

8. Applicants do not deny in rejoinder that as per their Recruitment Rules their posts are in Category 'C' whereas those of Assistants/Stenos. in CSS/CSSS are in Group 'B'. They also do not deny that their mode of recruitment is different from that of Assistants/Stenos. in CSS/CSSS but contend that the mode of recruitment is irrelevant in the matter of Equal Pay for Equal Work.

9. We are unable to accept this contention. Posts in Category 'B' can under no circumstances be equated with those in Category 'C', and treating the two equally would in effect amount to treating unequal equally, which would be violative of Articles 14 & 16 of the Constitution. Further more in a catena of recent judgments including State of Tamil Nadu Vs. M.R. Alagappan & Ors. JT 1997 (4) SC 515 and State of U.P. & Ors. Vs. Ramashraya Yadav and Ors. 1996 SCC (L&S) 714 the Hon'ble Supreme Court has held that mode of recruitment is one of the crucial determinates in the matter of Equal Pay for Equal Work.

10. In the light of the above, we hold that applicants have been unable to establish successfully their claim to upgradation of their pay scale to Rs.1640-2900 to bring in on par with Assistants/Stenographers Grade 'C' in CSS/CSSS and in the background of the Hon'ble Supreme Court's judgments cited above, the CAT, Principal Bench judgment dated 19.1.96 in O.A. No. 144-A/93 V.R.Panchal & Ors. Vs. UOI & Ors. and connected cases does not advance the applicants' case.

11. The O.A. is therefore dismissed. No costs.

Lakshmi Swaminathan
(Mrs. LAKSHMI SWAMINATHAN)
Member (J)

/GK/

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