

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 2089/1996

NEW DELHI, THIS THE 13TH DAY OF MARCH, 2000.

HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR.V.K.MAJOTRA, MEMBER (A)

1. C.P.Kemni
S/o Late Shri Bhim Dutt Kemni
290, Type-II, Sec.11
Sadiq Nagar, New Delhi-110049.
2. Asharfee Sah
S/o Late Shri Chhakauri Shah
R/o D-353, Sarojini Nagar,
New Delhi.
3. Indarjit Singh
S/o Late Shri Gurdyal Singh
15/78, Old Rajendra Nagar,
Ground Floor,
New Delhi-110160.
4. Shri Benu LaL Roy
S/o Late Manmohan Roy
R/o F-164, Sarojini Nagar,
New Delhi-110023.
5. S.C.Dutta
S/o Satish Chandra Dutta
R/o 6/2A, Falgun Dass Lane
Calcutta-700012.
6. Kamal Kant Roy
S/o Late Kunja Mohan Roy
101 J, Salimpur Road
Dhekuria, Calcutta-700 031.

...Applicants

(Applicant No.1 present in person)

Vs.

1. Union of India
through
The Secretary
Ministry of Information & Broadcasting
(Govt.of India)
Shastri Bhawan, New Delhi.
2. The Director General
Directorate of Advertising &
Visual Publicity
Ministry of Information & Broadcasting
3rd Floor, Parliament Street,
New Delhi.
3. The Secretary,
Ministry of Finance
North Block
New Delhi.

4. The Secretary,
Department of Personnel & Trg.
Ministry of Personnel,
Public Grievances & Pensions,
New Delhi.

5. The Deputy Director Admn.
Directorate of Advertising &
Visual Publicity,
Ministry of Information & Broadcasting
(Govt. of India)
3rd Floor
PTI Building, Parliament Street,
New Delhi.

... Respondents

(Smt. Vijaya Ganpathi, Assistant,
Departmental Representative for the respondents)

ORDER (ORAL)

JUSTICE ASHOK AGARWAL:

Applicants are working as Distribution Assistants in the Directorate of Advertising & Visual Publicity (DAVP). By the present OA, they claim parity of pay scale with Assistants of Central Secretariat Service (CSS). Grant of pay scales is a function which should ordinarily not be undertaken by courts/Tribunals. This is the function of specialists in the field such as Pay Commissions. Responsibility of fixing pay scales is left to expert bodies such as Pay Commissions. It is the Pay Commission which is competent to assess the duties and responsibilities of each post. It would, therefore, be improper for courts/Tribunals to undertake the said task. Prayer contained in the present OA, in the circumstances cannot be considered on the aforesaid short ground.

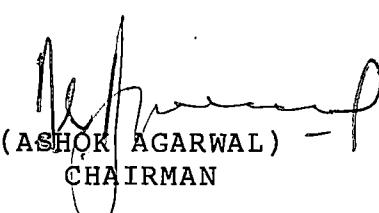
Even on merits, we find that no case is made out for claiming parity of pay scales with Assistants of CSS. Before parity in pay scales can be claimed, it has to be established that the posts held by the applicants are in comparable grades of the CSS. The posts have to have the same classification in order to claim parity in pay scales. The method of recruitment

has also to be the same. Respondents have shown the differences in respect of the posts of Distribution Assistant in DAVP and Assistant in CSS in Annexures R-I to R-III of their counter. If one has regard to the disparity of nature of duties, the method of recruitment as also the promotional avenues, applicants will not be justified in claiming parity of pay scales. There is world of difference between the duties and responsibilities, method of recruitment as also promotional avenues between Distribution Assistants in DAVP and Assistants in CSS. They are, therefore, hardly comparable. Assistants of CSS are vested with higher responsibilities both for the present and for the future and they are no doubt, future administrators. Being generalists, they are expected to handle and rise to the occasion, come what may unlike Distribution Assistants who are somewhat specialised in their jobs within a narrow sphere. Appointing authority for Assistants and Grade 'C' Stenographers is the President of India, whereas for the Distribution Assistants it is only a Deputy Director (Administration), DAVP, an officer of the level of Under Secretary. The Third Pay Commission had recommended a lower scale of Rs.425-750 for Distribution Assistants, whereas a higher pay scale of Rs.425-800 for Assistants of the CSS. In the circumstances, we find that there is no justification for granting the scale of Rs.1640-2900 to Distribution Assistants of DAVP as claimed. Reliance placed on a judgement in OA No.548/94-**Brahm Dass & ors. vs. U.O.I & Ors.**- dated 19.1.1996, in our view is misplaced. Applicants in the said OA belonged to the Central Secretariat Service/Central Secretariat Stenographer Service upto 1975 whereas Distribution Assistants never belonged to CSS. Applicants in the aforesaid OA belonged to Group 'B' unlike Distribution Assistants who have always been in Group 'C'. No assistance can, therefore, be had by the applicants by relying on the aforesaid decision.

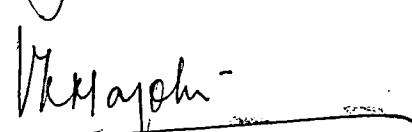
3. Present OA in the circumstances, we find is devoid of

-4-

merit. The same is accordingly dismissed. No costs.


(ASHOK AGARWAL)

CHAIRMAN


(V.K. MAJOTRA)

MEMBER (A)

sns