

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2153 of 1996

New Delhi, this 24th day of March, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

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1. G.P.Sharma  
S/o Shri Bhajan Lal Sharma  
R/o H.No.52/7 Street No.18 Nai Basti  
Anand Parbat  
New Delhi-110005.
2. Shri Pradip Singh  
S/o Shri R.K. Singh  
R/o 316 Sector 12  
R.K. Puram, New Delhi

... Applicants

(By Shri Mukul Talwar, Advocate - not present)

versus

1. Union of India,  
Through Secretary  
Ministry of Information and Broadcasting  
Government of India, Shastri Bhawan  
New Delhi-110001.
2. The Director General of Doordarshan  
Doordarshan Bhawan  
Mandi House  
New Delhi 110001.
3. The Director General  
All India Radio  
Akashwani Bhawan, Parliament Street  
New Delhi-110001.
4. The Superintendent Engineer  
Doordarshan Kendra  
Akashwani Bhawan, Parliament Street  
New Delhi-110001.

Respondents

(By Shri M.M. Sudan, Advocate - not present)

ORDER(oral)

By Reddy J

None appears for either of the parties in person or through counsel. Since the matter is of 1996, we dispose of the same on merits.

2. In this OA the applicants seek parity of pay scales with Lighting Assistants in Doordarshan.

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3. The applicants who are Technicians in the Engineering Wing, and the Lighting Assistants are employees of the Doordarshan Kendra, Delhi. They have been initially paid the same scale of pay. In 1973 their scales were 330-480 and in 1986 after the 4th Pay Commission's recommendations were accepted by the Government, the pay scales were revised to Rs.1200-1800. In view of the decision given by the Supreme Court, the pay scales of Lighting Assistants have been revised to Rs.1400-2300 with effect from 1.1.1986 whereas the pay scales of the applicants who are Technicians continued to be at Rs.1200-1800. The applicants submit that the qualification and job description of the two posts clearly demonstrate that the Technicians are better qualified and have higher job responsibilities than the Lighting Assistants. The applicants therefore claim that their pay scales should be revised at par with the pay scales of Lighting Assistants.

4. It is however the case of the respondents that the Technicians do not belong to the technical cadre. Both the cadres are different. The Recruitment Rules are not similar and that there is no comparison between the two posts. Job requirements also are entirely different. The Technicians are to fulfil technical qualifications whereas Lighting Assistants are

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required to fulfil job experience in addition to academic qualifications prescribed for both the posts.

5. We have carefully considered the pleadings in the case. It is true that at one point of time the pay scales of the employees in both posts were same. In view of the judgement of the Supreme Court, the pay scales of Lighting Assistants have been revised but the applicants remained in the same scale. Though it is stated that the functions and responsibilities of employees of both posts are same, but the respondents have taken the stand that they were not same and the Lighting Assistants perform higher responsibilities and form entirely different cadre. Subsequent to the filing of the OA, the 5th Pay Commission has submitted its recommendations to the Government and most of the recommendations of the 5th Pay Commission recommendations have been accepted. But the orders if any passed by the Government as regards to the revision of the pay scales of the applicants is not placed before us. The counter in this case is filed in April 1997 before the recommendations of the 5th Pay Commission have been accepted by the Government. We are also handicapped in view of the fact that neither the parties nor their counsel appear.



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6. The law is well settled that the fixation of pay scales is the domain of the expert bodies which are constituted for the purpose. In UOI & Anr. Vs. P.V. Hariharan & Anr 1997 SCC (L&S) 838 the Supreme Court has also warned the Tribunals and other courts against interference in pay scales fixed by the expert bodies, unless it is found that there is hostile discrimination. In the absence of such discrimination in the present case, we are unable to grant any relief to the applicants. The OA therefore fails and is accordingly dismissed. No costs.

Shanta Shastr

(Mrs. Shanta Shastr) Member (A)

Am Rajagopala Reddy

(V. Rajagopala Reddy) Vice Chairman (J)

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