

Central Administrative Tribunal
Principal Bench

O.A. No. 2427 of 1996

25
New Delhi, dated this the 6th October, 1998

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

Shri Angad Dhwaj Sharma,
Lift Operator,
E/M(P) No.2
Delhi Cantt.
110010. & 12 Others as per Memo of Parties
All working with GE (P) No.2 Applicants
Delhi Cantt.
(By Advocate: Shri B.N. Bhargava)

Versus

1. UOI through
the Secretary,
Ministry of Defence,
New Delhi.
2. The E-in-C,
Army Headquarters, Kashmir House,
New Delhi.
3. The Commander Works Engineer (P),
Delhi Cantt-110010.
4. The Garrison Engineer (P) No.2,
Delhi Cantt-110010. Respondents
(By Advocate: Shri VSR Krishna)

O R D E R

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

Applicants who are lift operators under
Defence Ministry impugn respondents' letter dated
26.4.96 (Ann. A/1) and seek grant of night duty
allowance on the lines granted to certain other
categories of staff vide Annexures A/2 and Ann.
A/3.

2. I have heard applicants' counsel Shri
Bhargava and respondents' counsel Shri VSR
Krishna.

(26)

3. The main ground urged in the O.A. is the doctrine of "Equal Pay for Equal Work". A plain reading of the categories of staff enumerated in Annexures A/2, & A/3 makes it clear that those categories by their very designation are not discharging the duties and responsibilities of Lift Operators. For instance it cannot be said that a Pump House Operator under the Army, or a Tradesman under the Navy, or a Fire Engine Driver under the Air Force is discharging the duties of a Lift Operator. This example is merely illustrative and not exhaustive. For a claim for equal pay for equal work to succeed it has to be established that duties, responsibilities, eligibility qualifications etc. are the same, which is clearly not so in the present case.

4. That apart I note from impugned order dated 26.4.96 that applicants' case has been duly considered by respondents, but has not been accepted by them, because unlike in the case of those to whom night duty allowance has been sanctioned, night duty is an inseparable part of the job of Lift Operators, and hence they have considered that applicants are not entitled to night duty allowance. It cannot be said that this

conclusion is illegal, arbitrary, malafide, perverse, or based upon no materials to warrant judicial interference.

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

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

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