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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2474/1996

M.A. NO.2461/1996

Thursday, this the 28th November, 1996.

HON'BLE SHRI JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE SHRI S. P. BISWAS, MEMBER (A)

1. All India Association of Investigators, National Sample Survey Organisation (Field Operation Organisation) having its registered office at E-2, Liberty Colony, Sarvodaya Nagar, Lucknow (UP)-16, through its General Secretary, Shri Anil Kumar Ambast.
2. Shri Ajay Saxxena S/O Shri Bijendra Saxena, working as Investigator in the Regional Office of National Sample Survey Organisation, 4/48 B, Lajpat Kunj, Agra (UP). ... Applicants

(By Shri Sanjay K. Dass, Advocate)

-Versus-

1. Union of India through Secretary, Ministry of Planning & Programme Implementation, Department of Statistics, Sardar Patel Bhawan, Sansad Marg, New Delhi-1.
2. Director, National Sample Survey Organisation, Field Operation Division, 'C' Block, IIIrd Floor, Pushpa Bhawan, Madangiri Road, New Delhi-110062.
3. Joint Director, Field Operation Division, National Sample Survey Organisation, 'C' Block, IIIrd Floor, Pushpa Bhawan, Madangiri Road, New Delhi-110062. ... Respondents

The application having been heard on 28.11.1996 the Tribunal on the same day delivered the following :

...2.

O R D E R

CHETTUR SANKARAN NAIR (J), CHAIRMAN —

Second applicant, an Investigator in the Regional Office, National Sample Survey Organisation, seeks a direction to respondents to grant him the pay scale granted to Assistant Superintendents. Applicant submits that those engaged to do the work done by him on a contract basis are paid Rs.3,000/- per month and Rs.60/- per day while he is in the scale of Rs.1400-2300 getting a daily allowance of Rs.537/-. It is also pointed out that the Assistant Superintendents who do the "Enterprise Survey Work" are in the scale of Rs.1600-2660. According to second applicant, this militates against the doctrine of 'equal pay for equal work' and also against Article 16 of the Constitution. Learned counsel for applicant further pointed out that adequate promotional avenues as a part of career advancement is a concept recognised by the Supreme Court of India.

2. We are of the opinion that the contentions raised by second applicant deserve serious consideration. Such consideration must be made by the competent authority and not by the court, at least in the first instance. We permit second applicant as also any other members of first applicant Association to make a representation of their grievances before first respondent. If such representations are made, first respondent shall consider them on merits having regard to the decision of the Supreme Court and pass appropriate orders


...3.

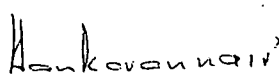
thereon within three months of the date of receipt of the representations. First applicant Association, as such, will have no cause of action and it has been so held by a Full Bench of this Tribunal in Indian National NGO'S Association of Army Electronics Inspection & Others vs. The Secretary, Ministry of Defence, New Delhi & Others, (1992) 21 ATC (FB) 261.

3. Second applicant will produce a copy of this order and the application before first respondent who will acknowledge the same and second applicant will thereafter lodge the acknowledgement with the Registry. The acknowledgement will form part of the record.

4. Application is disposed of as aforesaid.

Dated, the 28th November, 1996.


(S. P. Biswas)
Member (A)


(Chettur Sankaran Nair, J.)
Chairman

/as/