

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1064/1996

New Delhi, this 1st day of March, 2000

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

Shiv Charan Lal
D/147, Gali No.12
Bhajanpura, Delhi-53

.. Applicant

(By Shri K.B.S.Rajan, Advocate - not present)

versus

1. Lt. Governor
Delhi Administration
Raj Nivas Marg, Delhi

2. Director of Technical Education
Rose Avenue, New Delhi

.. Respondents

(By Shri Jog Singh, Advocate - not present)

ORDER(oral)

By Reddy, J. -

Neither the ~~parties~~ nor the counsel for the parties appeared. Since the matter is of 1996, we proceeded to dispose of the matter, on merits, after perusing the pleadings on record.


2. The applicant, who is working as Professional Assistant in the College of Pharmacy, is seeking parity of scale of pay with one Mrs. Jaswant Kaur, Professional Assistant of Meera Bai Polytechnic. It is the case of the applicant that the incumbents in both the posts have been discharging the same functions and hence they are entitled for the same scales of pay. In the counter affidavit it has however been denied by the respondents that the applicants have been discharging the same duties. It was stated that the basic difference between two cases is that Professional

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Assistant in Meera Bai Polytechnic was assisting in teaching assignment for students of the discipline of diploma in Library Science, whereas the College of Pharmacy being a specialised institution to impart teaching in Pharmacy Sciences, there is no discipline of Diploma in Library Science. Hence the applicant was performing duties relating to library only and therefore he cannot seek parity of scale.

3. The applicant, as Professional Assistant in the College of Pharmacy was drawing his pay in the scale of Rs.300-600 (old scale). He is seeking the pay scale of Rs.550-900, being the pay scale of the Professional Assistant working in Polytechnic. The claim of the applicant that both incumbents have been discharging the same functions and responsibilities is denied by the respondents.

4. It is also stated that the benefit of pay scale of Rs.550-900 was granted by Tribunal in a judgement dated 10.4.1992 in the OA filed by Mrs. Jaswant Kaur because she was found to be discharging the duties of assisting in teaching and was therefore granted equality of scale of pay with other supporting teaching staff of the Polytechnics. It is also stated that the applicant has been discharging routine library duties. Thus we find that there is a basic difference in the discharge of duties between the applicant and Mrs. Jaswant Kaur.



5. It is also pertinent to note that the Supreme Court has clearly observed in UOI Vs. P.V.Hariharan and Anr. 1997 SCC(L&S) 838 that it was not the duty of the Tribunal to equate the pay scales as it depends upon the nature of functions and responsibilities of the incumbents and it was primarily the domain of the expert bodies to euqate and revise the pay scales. In the circumstances, we do not find any ground to grant the relief claimed by the applicant. OA is, therefore, dismissed. No costs.

Shanta
(Smt. Shanta Shastry)
Memembr(A)

V. Rajagopala Reddy
(V.Rajagopala Reddy)
Vice-Chairman(J)

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