

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

(1) O.A. No. 798/97 with (2) OA No. 814/97

New Delhi: this the 1st day of JANUARY, 2000.

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1) OA No. 798/97

1. D.P. Bhardwaj
s/o Late Sh. A.M. Bhardwaj
R/o V & PO Nangal Kalan
Sonepat (Haryana)

2. S.K. Dogra
S/o Sh. Khushi Ram
R/o C-83, Jitav Nagar,
Delhi.

3. Ganga Ram
S/o Sh. Sukh Ram
R/o Us-240, Mandawali
Delhi.

4. Hari Kishan
S/o Lt. Sh. Nanta Ram
R/o C-II, Modinagar,
Delhi.

5. Dharamjit Singh
S/o Sh. Bhikhari Singh
R/o C-75, Minto Road Complex
Delhi.

6. Ved Parkash
S/o Sh. Lt. Sh. Udhvi Lal
R/o H-II/154, Madangir,
Delhi

7. Rajender Singh
S/o Sh. Pyare Lal
R/o A-144, Kidwai Nagar,
Delhi

(F4)

8. Ranbir Singh
S/o Lt.Sh. Gopal Singh
R/o Sangam Vihar,
Delhi.
9. R.T. Verma
S/o Sh. Trivedi Verma
S/o Vill. Jharanda Mazara
Surender Colony,
Delhi.
10. Chhote Lal
S/o Sh. Sagar Saha,
R/o Z-541, Timar Pur,
Delhi.Applicants

Versus

Union of India through

1. The Secretary
Planning Commission
Yojana Bhawan
Parliament Street
New Delhi- 100 001
2. Special Secretary,
National Informatic Centre
A- Block, CGO Complex,
Lodhi Road,
New Delhi-1100 003.
3. The Secretary,
Ministry of Finance
Department of Expenditure
North Block
New Delhi-110 001.Respondents

Advocate: Shri A.K.Behera for applicants.

Shri N.S.Mehta for respondents.

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(2) O.A. No. 814/1997

1. Daya Shankar,
S/o Sh. Ram Chander,
R/o D-3, Azad Pur, Delhi.
2. Pyara Singh
S/o Sh. Lt. Ajit Singh
R/o A-186, Arjun Nagar,
Delhi.
3. Barham Parkash
S/o Sh. Budh Ram
R/o C-101, DDA Flats,
Kalkaji, Delhi.
4. A.P. Raju,
S/o Sh. Punnu Sawamy
Loahi Road Complex, Delhi.
5. Ambika Ram
S/o Sh. Munni Ram,
R/o G-II, 71, Madangir,
Delhi.
6. R.T. Verma
S/o Sh. Triwedi Verma
R/o Vill. Jharanda Mazara
Surender Colony, Delhi.
7. Chhote Lal,
S/o Sh. Sagar Saha
R/o Z-541, Timar Pur, Delhi.Applicants
(By Advocate: Shri A.K. Behera)

Versus

Union of India & Ors.
through

1. Secretary,
Planning Commission,
Yojana Bhawan,
Parliament Street,
New Delhi-1
2. Special Secretary,
National Informatic Centre,
A-Block, CGO, Complex,
Lodhi Road,
New Delhi-3.
3. The Secretary,
Ministry of Finance,
Department of Expenditure,
North Block,
New Delhi-1

.... Respondents.

(By Advocate: Shri N.S.Mehta)

ORDER

S.R.Adige, VC (A):

As both these OAs involve similar questions of law and fact, they are being disposed of by this common order.

2. Applicants seek the extension of OM dated 17.10.90 (Annexure-A1) to themselves with consequential benefits.
3. Applicants are Tradesmen (Technical). Their case is that from the very inception the pay scales and service conditions of Tradesmen (Technical) and Tradesmen (Data Entry Operators) were the same. Even after DEOs were brought within the purview of the Science and Technology Policy, this state of affairs continued till the issue of OM dated 17.10.90 by which DEOs were given a higher scale, which was further revised by OM dated 23.10.90 but these benefits were not extended to applicants. It is further stated that applicants represented collectively

upon which they were served individual notices on 21.11.90 that their posts had been abolished and they had become surplus, but they would be retained and would be given training in Data Entry Operation and would be absorbed in case they qualified in the trade test but if they did not qualify they would be declared surplus. It is stated that later on, OM dated 23.10.90 was modified on 21.1.91 such that those who did not qualify in the trade test would be continued in NIC but would not be granted EDP pay scale.

4. Applicants contend that they participated in the EDP training programme and also succeeded in the trade test, but the results of the same were not declared, and respondents neither appointed them as ED Operator nor declared them surplus, but continued them in their present posts without extending EDP pay scale to them. They state that they had been representing to the authorities from time to time, and upon receiving no reply, have filed these OAs.

5. Respondents have filed reply challenging the OAs.

6. Applicants have filed their rejoinder.

7. Heard both sides.

8. We note that the revised pay scales granted to Tradesmen (DEOs) vide impugned order dated 17.10.90 have been pursuant to the specific recommendation of the 4th Pay Commission (Annexure-R1) consequent to which the pay scale of ED Operators working in all Ministries/Departments of GOI was sought to be rationalised vide Finance Ministry's OM dated 11.9.89

(Annexure- R2)

9. Applicants are in the category of A/C plant operators/pump operator (Annexure-A2). They are seeking parity in pay scale with those in the category of Electronic Data Operator. In the background of the principle of equal pay for equal work, such a claim can succeed only if applicants can establish that the work they are performing is the same or very similar to that performed by Electronic Data Operators. Under no circumstance can it be said that the nature of duties and responsibilities and the work done by A/C Plant Operators/Pump Operators etc, is the same or similar to that performed by Electronic Data Operators. Furthermore, the pay of the Electronic Data Operators has been revised in accordance with the recommendations of the 4th pay Commission which was a high level expert body, and there is a strong presumption that the 4th pay Commission made its recommendations for grant of higher pay scales to Electronic Data Operators after a complete and thorough examination of the matter. Indeed if they had considered applicants also as entitled to such higher scales, there is no reason why they would not have made appropriate recommendations in regard to the same.

10. Neither OAs therefore warrant interference.

11. Both the OAs are dismissed. No costs.

12. Let a copy of this order be placed in both OAs' case records.

A. Vedavalli

(DR.A.VEDAVALLI)
MEMBER (J)

/ug/

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)