

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL
NEW DELHI.

O.A.No.2216/94

New Delhi: September 15, 1995.

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

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

1. Mrs. Asha Kanojia
W/O Sh. Manohar Lal
Technical Assistant
A I 15 A Lawrence Road
Delhi-35
2. Mrs. Ved Arora
W/O Sh. Harinder Lal
Technical Assistant
H-23, B Kalkaji
New Delhi-19
3. Mrs. Veena Sachdeva
W/O Sh. J.K. Sachdeva
Technical Assistant
8 B MIG Flats, Ashok Vihar
Delhi
4. Mrs. C.K. Verma
W/O Sh. R.G. Verma
Technical Assistant
C 2 C/2-33, Janakpuri
New Delhi
5. S.N. ~~Sukla~~ GURHA,
Late Sh. R.V. Sukla
Technical Assistant
J-43 Pushp Vihar
New Delhi
6. Hari Mittra Srivastava
Late Sh. D.R. Srivastava
Technical Assistant
I-91 Sarojini Nagar
New Delhi
7. K.D.S. Nigam
Late Sh. M.S. Nigam
Technical Assistant
C-243 Minto Road Complex
New Delhi
8. V.K. Bhatnagar
Late Sh. Baij Nath Bhatnagar
Technical Assistant
S-4A/108 A Lajpat Nagar
New Delhi

9. Byasadev Naiu
S/O Sh. V. Kumarbai Naih
Technical Assistant
B , Briz Vihar, Gaziabad
10. S. V. Singh
S/O Sh. Baboo Ram
Technical Assistant
346 Q Pocket Dilshad Garden
Delhi
11. Hari Parshad Banodha
Late Babari Lal
Technical Assistant
B-22 Kotla Delhi
12. Kishor Chand
Sh. Balak Ram Bahl
Technical Assistant
76/3 C Sct-II Kali Bari Marg
New Delhi
13. Ram Singh Chauhan
Late Ram Chandre
Technical Assistant
627, Bakhtawarpur Delhi
14. J. N. Sharma
Late Sh. Nathu Ram Sharma
Technical Assistant
4650 Gali M.S. Paharichiraj
Delhi
15. Ashok Kumar
Sh. Nathu Singh
Technical Assistant
1/3262 Ram Nagar Ext. Shahdra
Delhi-32
16. Ved Parkash Sharma
S/O Sh. M.P. Sharma
MII, House No. c 64
Brij Vihar Sharma
Gaziabad UP
17. Virender Kumar
S/O Sh. Khagga
Technical Assistant
D-7/23 Dayalpura Delhi
18. Laxmi Narain
S/O Sh. Hari Kishan
Technical Assistant
G-7/22 67 Sec-15 Rohini
Delhi
19. Narendra Singh Nigam
Late Sh. B.S. Nigam
Technical Assistant
M-79 Hari Nagar New Delhi
20. Miss Prem Kumari
D/O Late Sh. Bjagirath Lal
Technical Assistant
C-2/126 Lodhi Colony
New Delhi
21. Mrs. Mahesh Sri
W/O Sh. K.K. Suri
Technical Assistant
C-3A/4A Janakpuri New Delhi

22 Raj Kumar Tathgur
S/O Late Sh. Kharaiti Ram
Technical Assistant
Sector-IX/828 R.K.Puram
New Delhi

23. Gyan Parkash
S/O Late Sh. Sagar Mal
Technical Assistant
2948/219 Tri Nagar Delhi-35

24 Suman Lata Chopra
W/O Sh. A.K. Chopra
Technical Assistant
D-018 PV Hostel
Lodhi Road, New Delhi-3

25 Shyam Lata
W/O Sh. Nank Chand
Technical Assistant
59/773 R.K.Puram, N Delhi

26 A.K. Roy
S/O Late Sh. N.K. Roy
Technical Assistant
H-301 Kali Bari Marg
New Delhi

27 Jaidev Nangia
Late Sh. V.H. Nangia
Technical Assistant
AB-909, Sarojini Nagar
New Delhi

28. Wattan Singh
Late Sh. K. Ram
Technical Assistant
28/4A Sec-2 DIZ Area
Gole Market
New Delhi

29 Mrs. Gyan Chandhok
W/O Sh. Prabhjot Singh
Technical Assistant
F-2958 Netaji Nagar
Delhi

30* Vijay Kumar
S/O Sh. Amarjit
Technical Assistant
28 CWC Lodhi Road
New Delhi

*Sh. Jasvinder Singh
S/O Late Sh. M.J. Singh
RI, R/O 862, Baba Kharak Singh Marg
New Delhi

32. M.B. Khandare
S/O Sh. B.V. Khandare
Technical Assistant
J/8/3 Geeta Colony
Delhi

33. Kailash Chandre Bharati
S/O Sh. Kharak Ram
Technical Assistant
C-21/Sector-5 Rohini
Delhi

Anangia

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34. S.K.Marwelha
S/O Late Sh. Hira
Technical Assistant
J-5/101 D Nehru Market
New Delhi
- 35 Parvesh Chawla
W/O Sh. B.L.Chawla
Technical Assistant
C 3/193 Janakpuri New Delhi
- 36 J.J.Dhamija
S/O Sh.K.C.Dhamija
Technical Assistant
8/16, Nehru Nagar
New Delhi
- 37 O.P.Mathur
S/O Late Shri G.C.Mathur
Technical Assistant
C-42 Minto Road New Delhi
- 38 I.K.Aggarwal
S/O Late Sh. Madan.Gopal
T.C. R/O 226, Sector-IV
R.K.Puram, New Delhi
- 39 Mehar Chand
S/O Late Sh. Bajuram
Technical Assistant
AK-52 Shalimar Bagh Delhi
- 40 Subhash Chandra
S/O Sh. Narendra Nath Gupta
MII.R/O L 4/258, Vinay Chand
Gomti Nagar, Lucknow-10
- 41 Devinder Singh
S/O Late Sh. Ranbir Singh
Technical Assistant,
Q-1947/Sector-III
M.B.Road, Pushp Vihar
New Delhi
- 42 O.P.Sharma
S/O Late Sh. B.D.Sharma
Technical Assistant
H.No.160-161 Gachrai, Shahrda
Delhi Gurhai
- 43 Usha Saxena W/O Sh. S.K.Saxena
Gr I, R/O 2706 Gali Masjid Kale Khan
Dariya Ganj Delhi-6
- 44 J.S.Brall
S/O Sh. Bhagwan Singh
Technical Assistant
D-801, Mandir Marg
New Delhi
- 45 Ram Nath
S/O Sh. Ganga Saran
Technical Assistant
K.C. 102/3 Kavi Nagar
Gaziabad UP

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- 46 Jagdish Prashad
S/O Sh. Bhandu Singh
Technical Assistant
A 8/209 East Gokalpuri
Amar Colony, Delhi-94
- 47 Kuldip Kumar
S/O Sh. Bal Kishan
Technical Assistant
C-10/93 Yamuna Vihar
Delhi-53
- 48 Hakim Chand
S/O Sh. Baisakhi Ram
Technical Assistant
3/12 Sector I Saket New Delhi-17
- 49 V.P. Mittal
S/O Sh. H.P. Mittal
Technical Assistant
C-141, Kidwai Nagar
New Delhi-23
- 50 V.D. Nagpal
W/O Sh. O.P. Nagpal
Technical Assistant
7/37, South Patel Nagar
New Delhi-8
51. P.S. Kohli
S/O Late Sh. C.S. Kohli
Technical Assistant
140/14, Sector-I, M.B. Road
New Delhi
52. Raj Kumar
S/O Late Sh. Hem Chand
Technical Assistant
22/4 D Sector-II
DIZ Area New Delhi-
53. Mrs. Sauithri Nair
W/O Shri R. Nair
Technical Assistant
Koi 1/32, Vikash puri
New Delhi-18
54. D.K. Govil
S/O Sh. R.D. Govil
Technical Assistant D/C
21, Nalanda Apartments
Vikaspuri, Delhi
- 55 Raj Kumar
S/O Sh. M.M. Lal
Technical Assistant
55 C/114 R.K. Pura
New Delhi
56. Baljit Singh
S/O Sh. Albail Singh
Technical Assistant
58-D Navygg Appartments
Vikashpuri New Delhi
57. J.K. Maurya S/O Sh. K.P. Maurya
Technical Assistant
1141, Lodhi Complex
New Delhi

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58 Gulsher Ali
S/O Sh. Ausher Khan
Technical Assistant
190 J Extension
Laxmi Nagar Delhi-92

59 N.K.Saxena S/O Sh. Vishnu Sahai
Technical Assistant.
16/445 Lodhi ~~Complex~~ Colony
New Delhi

60 Charan Dass, Technical Assistant
S/O Sh. Durga Dass
284, Sector-17, Faridabad

61. A.S.Rawat, Technical Assistant
S/O Sh.N.S.Rawat, R/O Block-4/34
Lodhi Colony, New Delhi

62. Nawal Kishor Saxena
MII, S/O Sh.Late Krishna Naraina
R/O 2/539, Vevek Chand, Gomti Nagar
Lucknow

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Applicants

By Advocate Shri R.K.Kamal, for the applicant.

Versus

Union of India
through

1. The Secretary
Govt. of India
Ministry of Agriculture
Department of Agriculture and Co-operation
Krishi Bhawan, New Delhi

2. The Secretary, Govt. of India
Ministry of Finance
Department of Expenditure
North Block, New Delhi-1

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Respondents

By Advocate Shri K.C.D. Gangwani.

JUDGMENT

By Hon'ble Mr. S.R.Adige, Member (A)

In this application, Mrs. Asha Kanojia and 61 others, all Technical Assistants/Marketing Intelligence Inspectors, Ministry of Agriculture, GOI have sought for a direction to the respondents to consider granting them the pay scale of Rs.1640-2900 respectively w.e.f. 1.1.86 with all consequential benefits and thus bring them on par with the

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Assistants of CSS and other allied categories.

2. Shortly stated the case of the applicants is that prior to the 4th Pay Commission, they were in the scale of Rs.425-750 while the Assistants in the CSS were in the grade of Rs.425-800. In other words, while the minimum of the two scales was common, the Assistants enjoyed a slightly higher maximum. The 4th Pay Commission recommended Rs.1400-2300 for the applicants and Rs.1400-2600 for the Assistants, thus maintaining the relativity and then scales were accepted by Govt. However, subsequently the respondents in the implementation of the CAT judgment dated 23.5.89 in O.A. No.1538/87 enhanced the pay scales of Assistants of CSS and Grade 'C' Stenographers of CSS to Rs.1640-2900, by O.M. dated 31.7.90, thereby disturbing the inter se pay relativities. It is contended that the applicants took up the matter through the Departmental Council where the matter lingered on for an inordinately long time, only to result in the eventual rejection of their prayer by the respondents on 5.7.94, compelling them to file this O.A.

3. The respondents in their reply have denied that there was ever parity between the scales of the Technical Assistants (Gr.C) and Assistant (Gr.B). They state that the pay scale of Assistants was enhanced in implementation of the Tribunal's decision in O.A.No.1538/87 in the background of valid and cogent reasons, and if the Technical Assistants were aggrieved by that decision, they should have approached the Tribunal in 1989 itself and not after a lapse of five years. They further state that consequent

to the setting up of the 5th Pay Commission, it is only appropriate that its recommendations are awaited.

4. We have heard Shri Kamal for the applicant and Shri K.G.D. Gangwani for the respondents, and perused the materials on record.

5. The Hon'ble Supreme Court in a catena of judgments including State of U.P. Vs. J.P. Chaurasia - AIR 1989 SC 19 have held that evaluation of duties and responsibilities on the basis of which the claim of equal pay for equal work is pressed, is best left to expert bodies such as the Pay Commission, which has the resources, personnel and expertise to carry out such evaluation in a comprehensive and holistic manner, and the Court should normally accept the Pay Commission's recommendations.

6. In that background, and having regard to the fact that the 5th Pay Commission set up by Notification dated 9.4.94 is well into its deliberations, we do not consider it appropriate to go into the merits of the applicants' claims at this stage.

7. Instead, we dispose of this application with the observation that in case the applicants have not filed any representation to the 5th Pay Commission, till date, they may do so, if so advised, with a copy to the respondents, subject to the Commission accepting their representation even at this stage, and the respondents may forward their own comments on such representation to the 5th Pay Commission for their consideration. No costs.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
MEMBER (A)