

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL  
NEW DELHI.

O.A.No.2216/94

New Delhi: September 15, 1995.

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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~~ GURKA,  
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-10, 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 Bihari 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. Paharidhiraj  
Delhi

15. Mahok Kumar  
Sh. Nathu Singh  
Technical Assistant  
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Delhi-32

16. F. ed 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-7/23 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 Suri  
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\*  
31 Vijay Kumar  
S/O Sh. Amarjit  
Technical Assistant  
28 CWC Lodhi Road  
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

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

34. S.K.Marwelha  
S/O Late Sh. Hira  
Technical Assistant  
J-5/101 D Nehru Market  
New Delhi

35 Parvesh Chawala  
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  
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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. Baju Ram  
Technical Assistant  
AK-52 Shalimar Bagh Delhi

40 Subhash Chandra  
S/O Sh. Narendra Nath Gupta  
M.I.I. 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  
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42 O.P.Sharma  
S/O Late Sh. B.D.Sharma  
Technical Assistant (F)  
H.No. 160-161 Gajrai, Shahdra  
Delhi Gurhain

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  
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D-801, Mandir Marg  
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45 Ram Nath  
S/O Sh. Ganga Saran  
Technical Assistant  
K.C. 102/3 Kavi Nagar  
Gaziabad UP

46 Jagdish Prashad  
S/O Sh. Bhandu Singh  
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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.Puram  
New Delhi

56. Baljit Singh  
S/O Sh. Albal Singh  
Technical Assistant  
58-D Navyug Appartments  
Vikashpuri New Delhi

57. J.K.Maurya S/O Sh. K.P.Maurya  
Technical Assistant  
1141, Lodhi Complex  
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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

..... **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

... **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

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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.C.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 Vedavalli  
(DR. A. VEDAVALLI)  
MEMBER (J)

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