

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH NEW DELHI.

OA.1009/94 with OA.1211/94

Dated this the 21st of November, 1994

(b)

Shri N.V. Krishnan, Hon. Vice Chairman(A)

Shri C.J. Roy, Hon. Member(J)

OA.1009/94

Mrs. Debika Pakrashi  
I-1656, Chittaranjan Park,  
New Delhi 110 095.

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Applicant

By Advocate Shri P.P. Khurana  
versus

1. Lt. Governor,  
Government of National Capital Territory, Delhi  
Old Rajpura Road, Delhi-54.
2. Commissioner-cum-Secretary(Education),  
Government of National Capital Territory, Delhi  
Department of Delhi Archives, Old Sectt., Delhi.
3. Union of India through  
The Secretary,  
Department of Culture,  
Ministry of Human Resource Development,  
Shastri Bhawan, New Delhi. ... Respondents

By Advocate Shri Surat Singh  
OA.1211/94

1. Miss Usha Gupta,  
D/o Shri Gopi Chand,  
R/o 529, Kucha Pati Ram,  
Bazar Sita Ram, Delhi.
2. Smt. Veena Bhasin.  
Wife of Shri Ashok Bhasin,  
R/o C/542, Timar Pur,  
Delhi.
3. Shri Om Parkash Anand,  
S/o Late Shri Ganeshi Lal,  
R/o B-37.B, DDA Slum Qtrs.  
Madipur, Punjabi Bagh, Delhi.
4. Shri Ashok Kumar Khatri,  
S/o Shri C.L. Khatri,  
R/o 107, Bhai Parmanand Colony,  
Kingsway Camp, Delhi.
5. Dr. Kishan Lal,  
S/o Late Shri Dalip Singh,  
R/o 104, Garhi, East of Kailash,  
New Delhi 110 065.

...Applicants

By Advocate: Shri P.P. Khurana  
versus

1. Lt. Governor,  
Govt. of National Capital Territory, Delhi  
Old Rajpura Road, Delhi-54.

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2. Commissioner-cum-Secretary (Education),  
Government of National Capital Territory, Delhi,  
Department of Delhi Archives,  
Old Secretariat, Delhi.
3. Union of India through  
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Ministry of Human Resource Development,  
Shastri Bhawan, New Delhi ... Respondents  
By Advocate: Shri Surat Singh

O R D E R ( ORAL )

(By Shri N.V. Krishnan)

Heard the learned counsel for both parties. Both these OAs raise identical issues and are being disposed of by a common order.

2. The applicant in OA.1009/94 is employed in the Government of National Capital Territory, Delhi as Surveyor in the Department of Delhi Archives. She claims that in respect of the post held by her, she should be given the revised pay scale of Rs.1640-2900 w.e.f. 1.1.1986 along with arrears. She is aggrieved by the Annexure A-1 order of the respondents dated 29.4.94 rejecting her representation in this regard.

3. OA.1211/94 has been filed by a number of applicants, the only difference being that they are employed in the same organisation as Assistant Archivist Grade.II. Their claim is that they should be given the revised pay scale of Rs.1640-2900 w.e.f. 1.1.1986. They are also aggrieved by the rejection of their representations in this regard by the letter dated 29.4.94 (Annexure A-1). They are permitted to file a joint application.

4. Both the OAs are filed on the promise that the post of Surveyor/Archivist Grade-II in the Delhi Administration on which the applicants are working, are equivalent in all respects to the post of Archivist Grade-II in the National Archives of India (NAI). Such an averment has been made in para-4(xiii) of the OAs.

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5. The respondents have filed a reply in both the applications opposing the claims. We however, find that in both the applications admissions have been made in para 4.13 of the reply which go to the root of the matter. In reply to para(4.XIII) of the OA.1009/94 it is stated as follows:-

"It is true that pre-revised pay scales, educational qualifications, nature of work, duties and responsibilities for the post of Assistant Archivist Grade.II(analogous post to Surveyor sanctioned in Delhi Archives) and Assistant Archivist Gr.I, both in the NAI and Delhi Archives, are identical as the Department of Delhi Archives is working on the pattern of the NAI. Hence contents are admitted."

It is also admitted that in NAI, the posts of Assistant Archivist Gr.II and Assistant Archivist Gr.I have been merged and are granted the pay scale of Rs. 1640-2900 from 1.1.1986, in pursuance of the judgement of this Tribunal.

6. However, the claims of the applicants are rejected on the grounds mentioned in the Annexure A-4 letter dated 13.4.94 of the Ministry of Human Resource Development. The annexure A-4 letter is reproduced below:-

" To

The Joint Secretary-cum-Director Archives,  
8-A Satsang Vihar,  
Near Special Institutional Area,  
New Delhi 110 067.

Sir,

I am directed to refer to your letter No.F.2 (34)/92-Archives/1090 dated 5th July, 1993 and letter No.52/35/92-Archives/1111 dated 16th July, 1993 on the subject mentioned above and to say that the Ministry of Finance, to whom the case was referred, have observed that the benefit of the judgement in CAT cases is given to the petitioners only. They have further observed that this is not the opportune time to consider revision/upgradation of posts because the Vth Pay Commission has already been set up to consider all such matters now.

It is, therefore, requested that the proposal in this regard may now be furnished to the Vth Pay Commission through appropriate channels in the National Capital Territory of Delhi."

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7. In such claims of equal pay for equal work, what is difficult to establish is that the post for which the claim is made and the post with which it is compared carry the same duties, responsibilities and are same in all respects. <sup>b</sup> The question does not arise in this case in view of the admission of the respondents in reply to para 4(XIII) of the OA.

8. We are, therefore, surprised how the claim for giving the applicants the pay scale as demanded by them can be resisted on the basis of the Annexure A.4 letter. We are of the view that these reasons will be of no avail when once it is conceded that the posts held by the applicants and the duties and responsibilities attached thereto, are identical for all purposes with the corresponding posts in the National Archives of India where the higher pay scales are given.

9. In the circumstances, we <sup>allow</sup> <sup>u</sup> these applications and quash the impugned orders dated 29.4.94. We direct the respondents to grant the applicants the higher pay scale of Rs.1640-2900 w.e.f. 1.1.1986 and pay the arrears due, within a period of three months from the date of receipt of a copy of this order.

10. OAs are disposed of accordingly at the admission stage. Orders be kept in both OAs. No costs.

(C.J. ROY)  
MEMBER (J)

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(N.V. KRISHNAN)  
VICE CHAIRMAN (A)

21.11.94