

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Original Application No. 445 of 1994

Date of decision : This the 30th day of July, 1999.

HON'BLE MR JUSTICE D.N.BARUAH, VICE-CHAIRMAN.
HON'BLE MR. N.SAHU, MEMBER(A).

1. Shri S.N.Sharma
Son of Late P.N.Sharma
Resident of House No. 7285, Gali No.2,
Prem Nagar, Near Birla Mill
Delhi-7.
2. Shri B.L. Bharati
Son of Shri P.L. Bharati
Resident of House No. 2086, Gali Zera Fasil,
Turkman Gate
New Delhi
3. Sh. H.S. Bhalla
Son of Late Shri B.S. Bhalla
Q. No. 1230, Type II,
Delhi Admn. Flats
Gulabi Bagh
Delhi-7.
4. Sh. Mateen Ahmed,
Son of Late Shri Rafiq Ahmed
Resident of 5292, Kucha Rehman
Billi Maran
Delhi
5. Sh. Mange Ram
Son of Shri Har Naon
R/o Village Kangan Heri
New Delhi 110071
6. Sh. Shamsheer Singh
S/o Late Shri Amar Chand
R/o Uttam Nagar
New Delhi.
7. Sh. Jagan Nath
S/o Shri Panna Lal
R/o H.No. 37, Pocket B/6, Sector 7
Rohini, Delhi-85
8. Sh. Bhim Singh
S/o Late Shri puran
H.No. 397, Shahpur Jat
New Delhi.
9. Sh. Vasu Dev
S/o Sh. Gadle Ram
H.No. 120, Tihar Village
New Delhi

..Applicants

By Advocate : Mr. S. Bisaria and Mrs. N. Bisaria.

versus



1. Lt. Governor
through
Chief Secretary
Govt. of NCT 5, Sham Nath Marg,
Delhi
2. Director of Education
Govt. of NCT,
Old Secretariat
Delhi

...Respondents

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O R D E R (ORAL)

BARUAH J.(V.C).

Nine applicants have approached this Tribunal seeking direction to the respondents to grant the pay scale of Rs. 290-500 (Pre-revised) in place of Rs. 260-350 for the period from 1.1.1973 and Rs. 1200-2040 instead of Rs. 950-1500 with effect from 1.1.1986 with all consequential benefits. All the applicants were appointed initially Mechanics and they have been working since then. They were posted in Science Branches under the administrative control of Govt. of National Capital Territory of Delhi. For improvement of Science Education in the Government Schools and private aided schools, the 2nd respondent created Science Branches in Delhi to guide, supervise, control and to impart better education in science in different schools run by the Directorate of Education, Director of Technical Education, Technical Schools/Industrial Training Institute giving technical education etc. Their scale of pay was Rs. 290-500 which is higher than the applicants. On revision of pay by the 4th Pay Commission was Rs. 1200-2040 whereas the applicants pay on revision in the scale of Rs. 950-1500. The contention of the applicants is that the nature of work and qualification are same as will appear from Annexure-3. The applicants were not given that scale equivalent to that of Skilled Assistants and other working under the Directorate of Technical Education. Their responsibilities are also same with those employees.

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Therefore according to the applicants they are entitled to get the same pay scale. The applicants further state that employees under the Director of Technical Education receiving higher pay scale were put in the Surplus Cell and therefrom, they were absorbed as mechanics similar to the employees in the Directorate of Education. Therefore the contention of the applicants is that they should be treated equally. Several representations had been filed but those were not considered favourably. However last representation was disposed of by Annexure-8A order dated 13.9.93.

Situated thus the applicants have approached this Tribunal by filing the present o.A. Permission was also granted under Rule 4(5) (a) of Central Administrative Tribunal (Procedure) Rules, 1987.

We have heard Mr. Sarvash Bisaria assisted by Mrs. Nidhi Bisaria learned counsel for the applicants. Mr. Bisaria submits that there was unequal treatment in granting the scale of pay with that of the employees working in the Directorate of Education. He further submits even now they are working in the same cadre. Mr. B.S.Gupta, learned counsel for the respondents on the other hand submits that the duties are different and responsibilities are also different, therefore in the best wisdom of Pay Commission, they had been treated differently in granting pay scale. Therefore no interference is called for.

We have perused the pleadings alongwith annexures. Admitted fact is that in spite of several representations submitted before the 5th Pay Commission the distinction is still maintained by it. However on perusal of Annexure 3 we

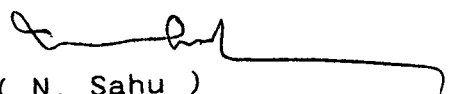


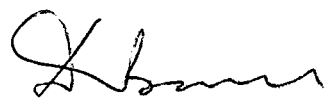
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But in the present case we feel the matter requires re-consideration by the authority. Therefore we dispose of this application with direction to the respondents to reconsider the matter. We make it clear that financial constraint should not be a ground to deprive the legitimate pay scale to the applicants. The applicants may also file a fresh representation giving details of their claims within three weeks from today. If such representation is filed within that period the respondents shall consider and dispose of the same by a reasoned order within a period of two months thereafter.

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With the above directions the application is disposed of. No order as to costs.


(N. Sahu)
Member(A)


(D. N. Baruah)
Vice Chairman (J)

trd

