

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1304/2000

New Delhi, this ¹²20 day of March, 2002

Hon'ble Shri S.R. Adige, Vice-Chairman(A)
Hon'ble Dr. A. Vedavalli, Member(J)

Miss Rashmi Sharma
Hindi Teacher, CRRRI, Delhi
Mathura Road, New Delhi-20 .. Applicant

(By Ms. Prashanti Prasad, Advocate)

versus

1. Director General
Council of Scientific & Industrial
Research, Anusandhan Bhavan
Rafi Marg, New Delhi
2. Director
Central Road Research Institute
Mathura Road, PO CRRRI, New Delhi .. Respondents

(By Shri Kapil Sharma, Advocate)

ORDER

Shri S.R. Adige

Applicant impugns respondents' order dated 22.11.99 (Ann. P-8) and seeks a direction to place her in the pay scale of Rs.550-900 instead of Rs.425-800 w.e.f. 11.8.80 with consequential benefits, including arrears.

2. Applicant's case is that Respondent No.2 (CRRRI) issued advertisement No.3/78 (Ann. R/2) calling for applications for the post of Hindi Teacher in the pay scale of Rs.425-800 in response to which she applied and was appointed to the aforesaid post on 29.7.80 (Ann. P-1). On 11.1.84 Respondent No.1 (CSIR) issued advertisement inviting applications for the post of Hindi Teacher in the pay scale of Rs.550-900 (Ann. P-2). Pursuant to the recommendations of the 4th Pay Commission, pay scales of the post of Hindi Teacher was revised to Rs.1400-2600. In 1993, Respondent No.1

issued an advertisement inviting applications for the post of Hindi Teacher in the pay scale of Rs.2000-3500. Applicant applied for the post but she was not successful. She states that in 1994 she came to know that all persons working in Respondent No.1 organisation on the post of Hindi Teacher was drawing the pre-revised scale of Rs.550-900 which was revised by the 4th PC to Rs.1640-2900. She states that on 3.8.95 after verifying the facts about the aforesaid matter she represented to respondents regarding the injustice done to her (Ann. P-4) and upon receiving no reply, sent further representations, based on which certain correspondence ensued, culminating in issue of OM dated 22.11.99 rejecting her prayer for placement in the pay scale of Rs.550-900 w.e.f. 11.8.90 resulting in her filing the present OA.

3. Respondents in their reply challenged the OA. They contend that a post of part-time Hindi Teacher was created in Respondent No.2 organisation on 6.10.1956. Subsequently that post was upgraded to that of full-time Hindi Teacher in the pay scale of Rs.250-470 w.e.f. 1.3.65 based on the recommendations of the 16th meeting of the Executive Committee held on 5.2.65 (Ann. R/1). On the recommendation of the 3rd Pay Commission the pay scale of Rs.250-470 of Hindi Teacher was revised to Rs.425-800. The post of Hindi Teacher was advertised by CRRRI vide advertisement No.2/78 in July, 1978 and again re-advertised with the same qualification and job requirements vide Advertisement No.1/79 in March, 1979 due to non-availability of suitable candidates.

4. Respondents state that though applicant did not fulfil the requisite eligibility qualification, she was called for the interview and the selection committee which met on 18.4.80 recommended that her name be placed on the waiting list. When the original selected candidates did not turn up for joining, applicant was given the offer of appointment as Hindi Teacher in the pay scale of Rs.425-800 which she accepted and reported for duty on 11.8.80. (14)

5. Respondents further state that from 1978 to 1980 CRRRI was delinked from CSIR. It was a registered body under Service Regulation Act and was an autonomous body under Ministry of Shipping & Transport and was not under CSIR's control, during that period.

6. Respondents contend that applicant's claim for placement in the pay scale of Rs.550-900, as has been done in the case of Hindi Teacher in NPL and other labs/institutes of CSIR, is not in order as the post of Hindi Teacher in CRRRI was created in the pay scale of Rs.250-470, subsequently revised to Rs.425-800, and not in the pay scale of Rs.550-900. She accepted the offer given in the pay scale of Rs.425-800, and joined her duty on 11.8.80 without raising any objection. Secondly, she cannot compare herself with persons working as Hindi Teachers in the pay scale of Rs.550-900 as her appointment was made under a society registered under the Societies Registration Act, and an autonomous body under Ministry of Shipping & Transport and not under the direct control of CSIR. Since she was not appointed as an employee of Respondent No.1 she can not compare herself with employee of Respondent No.1. That apart,

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respondents also state that upgradation of pay scale to Rs.550-900 with retrospective effect against a post created in the pay scale of Rs.425-800 was not permissible. (15)

7. Respondents also state that applicant has been given promotion in the scale of Rs.550-900/Rs.1640-2900 as Hindi Teacher w.e.f. 11.8.91 under the recommendation of the Sidhu Committee for Career Development of Administrative Staff holding isolated posts and would be eligible for consideration to the higher grade of Rs.6500-10500 w.e.f. 11.8.2002 on completion of 11 years service from 11.8.91 under the said Scheme.

8. Applicant has filed rejoinder in which she has challenged respondents averments contained in their reply and reiterated her own.

9. We have considered the matter carefully.

10. Applicant has advanced the foregoing claim on the basis of the principle of 'equal pay for equal work' but there are no materials on record to show whether any comparative analysis has been made by either side of the duties, responsibilities, recruitment rules, eligibility qualifications, workload etc. of the post of Hindi Teacher in CRRI in the scale of Rs.425-800 (pre-revised) and posts of Hindi Teacher in NPL and other labs/institutes of CSIR in the scale of Rs.550-900 (pre-revised) to establish equivalence of the two posts to see whether the principle of 'equal pay for equal work' is made out. In the present instance, such an authoritative exercise can be undertaken only by

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respondents and it is only if, after such an exercise is conducted and it is established that the post of Hindi Teacher in CRRRI is equivalent in all respects to post of Hindi Teacher in NPL and other labs/institutes of CSIR and therefore its pay scale needs to be upgraded to Rs.550-900 (pre-revised) that the question of the date from which such upgradation is to take effect, would arise. (16)

11. Under the circumstances, this OA is disposed of with a direction ^{to the} respondents to undertake the aforesaid exercise by means of a detailed, speaking and reasoned order in accordance with rules and instructions under intimation to applicant within 6 months from the date of receipt of a copy of this order. If upon the conclusion of such exercise respondents conclude that the post of Hindi Teacher in CRRRI is equivalent in all respects to posts of Hindi Teacher in NPL and other labs/institutes of CSIR, they should also, in their order, take a view as to the date from which it would be reasonable and fair to grant the upgradation.

12. If any grievance still survives, it will be open to applicant to agitate her claims through such judicial forum in accordance with law if so advised.

13. The OA is disposed of in terms of paras 11 and 12 above. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member(J)

S.R. Adige
(S.R. Adige)
Vice-Chairman(A)

/gtv/