

Central Administrative Tribunal, Principal Bench

Original Application No.1723 of 2000
M.A.No.2102/2000

New Delhi, this the 29th day of March, 2001

Hon'ble Mr.Kuldip Singh, Member (J)
Hon'ble Mr.M.P.Singh, Member(A)

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1. Mustaqium Ahmad
S/o late Shri Ali Ahmad
H.No.1846, Gali Wazir Beg
Turkman Gate
Delhi-6
2. Rajbir Singh
S/o Shri Tohi Ram
H.No.RZ-213, Dharampura Colony(I)
Nazafgarh, New Delhi-43
3. Murli Dhar Sharma
S/o Shri Hira Lal Sharma
13/287, Dakshin Puri Extn.
New Delhi-62

- Applicants

(By Advocate - Ms.Anuradha Priyadarshini)

Versus

1. Union of India
Through its Secretary
Ministry of Human Resources & Development
Shastri Bhavan
New Delhi
2. The Director
National Gallery of Modern Art
Jaipur House,
New Delhi

- Respondents

(By Advocate: Shri Madhav Panikar)

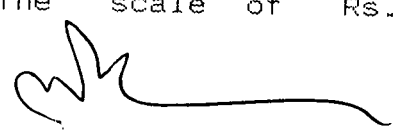
O R D E R (ORAL)

By Hon'ble Mr.M.P.Singh, Member(A)

By filing this O.A., applicants have sought relief praying for directions to quash and set aside the impugned order dated 1.9.99 and direct the respondents to grant higher pay-scale i.e. Rs.4000-6000 to them which is equivalent to that being drawn by similar functionaries appointed in the National Museum and Archaeological Survey of India.

2. Facts of the case are that applicants are presently working as Carpenter-cum-Artist under respondent no.2 in the pay-scale of Rs.3050-4590. Before the 5th Pay Commission recommendations, there were two distinct posts of Carpenter-cum-Artist in the pay-scale of Rs.1150-1500 and Jr.Carpenter in the pay-scale of Rs.950-1400. Pursuant to the recommendations of the 5th Pay Commission, the pay-scales of the post of Carpenter-cum-Artist and Junior Carpenter were merged together into a single scale of Rs.3050-4590/-. According to the applicants, similar functionaries appointed in the National Museum and Archaeological Survey of India have been given the nomenclature of Cabinet Maker, Senior Carpenter and Junior Carpenter. The revised pay-scale in respect of these post is Rs.4000-6000 for Cabinet Maker and Senior Carpenter and Rs.3050-4590 for Junior Carpenter. The nature of the work and duties performed by the applicants is much more arduous, tough, and highly technical as compared to the incumbents of the posts of Cabinet Maker in National Museum and Senior Carpenter or even a Junior Carpenter in Archaeological Survey of India. Since pay-scales of both the posts have been merged and the applicants have been placed in the scale of Rs.3050-4590, they have filed this O.A. seeking the aforesaid reliefs.

3. Respondents in their reply have stated that the applicants have been placed in the pay-scale of Rs.3050-4590 as per the recommendations of the 5th Pay Commission. The scale of Rs.3050-4590 is a



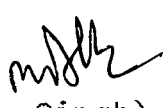
replacement scale in respect of pre-revised scale of Rs.950-1400 and Rs.1150-1500. According to the respondents, the duties of the Cabinet Maker in the pay-scale of Rs.4000-6000 are to prepare Museum furniture and to supervise the work of Carpenter, packing work and repair of furniture and that in the Archaeological Survey of India where the Senior Carpenter is in the scale of Rs.4000-6000 relate to excavation, conservation Museum and Horticulture, packing, unpacking excavated, camp office material and any other work relating to office/branch assigned by superior officers. However, the Carpenter-cum-Artists in National Gallery of Modern Art who are in the pay-scale of Rs.3050-4590, should have sufficient experience and skill in making furniture frames etc. and should be conversant with the technique of dovetail joints. Thus the nature of duties of the two posts cannot be equated. According to respondents, the upgradation of the pay-scale of Carpenter-cum-Artist is under consideration of the Government and hence, the application is premature.

4. It is an admitted fact that 5th Pay Commission have recommended the replacement scale of Carpenter-cum-Artist and Junior Carpenter into a single scale of Rs.3050-4590. The recommendations of the Pay Commission have been accepted by the Government and the applicants have been placed in the revised scale as recommended by the Commission. It is settled law by the apex court that the courts should



not go into the revision of pay-scales of the employees and the revision of pay-scale is to be looked into by an expert body like Pay Commission. 8

5. In this case, the Pay Commission has already gone into and have made their recommendations after looking into all aspects like the cadre structure, duties and responsibilities & promotional avenues available for the post. Moreover, the Government is considering the request of applicants for upgradation of the pay scale of Rs.3050-4500 to Rs.4500-6000. In view of this, the O.A. is premature and is accordingly dismissed. No costs.


(M.P. Singh)
Member(A)


(Kuldeep Singh)
Member(J)

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