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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No.1859/2000  
M.A. No.2215/2000

WITH

O.A. No.1860/2000  
M.A. No.2216/2000

New Delhi, this the 19th day of March, 2001

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

OA NO.1859/2000

1. Shri Mohd. Shafi, S/o Shri Nabi Bux, Aged about 56 years, R/o 47, Teen Murti House, New Delhi and Working as Head Household Attendant in President's Household Staff, Rashtrapati Bhawan, New Delhi.
2. Shri Mohd. Hussain, S/o Shri Imdad Bux, Aged about 53 years, R/o Type-I/193, Schedule A, President's Estate, New Delhi and Working as Head Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
3. Shri Shamim Ahmed, S/o Shri Kifayatullah, Aged about 54 years, R/o 4/32, Schedule B, President's Estate, New Delhi and Working as Head Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
4. Shri Ashraf Ali, S/o Shri Abdul Rashid, Aged about 53 years, R/o 12/7-8, Schedule B, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
5. Shri Anwar Mohd., S/o Shri Nur Mohd., Aged about 52 years, R/o 7/22-23, Schedule B, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
6. Shri Daya Ram, S/o Shri. Komal Ram, Aged about 46 years, R/o 10/26-G, Schedule B, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
7. Shri Mohd. Yasin, S/o Shri Allah Bux, Aged about 35 years, R/o 10/31, Schedule B, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
8. Shri Surinder Kumar, S/o Shri Ram Prasad, Aged about 35 years, R/o 12/1, Schedule B, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.

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9. Shri Tek Chand, S/o Shri Sita Ram, Aged about 36 years, R/o Type I-39, Sehedule A, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
10. Shri Yunus Salim, S/o Shri Shafiq Ahmed, Aged about 35 years, R/o 12/15, Sehedule B, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
11. Shri Tej Karan, S/o Shri Bhimu, Aged about 42 years, R/o 3/3, Sehedule B, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
12. Shri Deep Chand, S/o Shri Mool Chand, Aged about 38 years, R/o 1/21, Sehedule A, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
13. Shri Ashok Kumar, S/o Shri Naphey Singh, Aged about 36 years, R/o 11/155, G.Point, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
14. Shri Anil Kumar, S/o Shri Anant Ram, Aged about 38 years, R/o 11/21, Sehedule B, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
15. Shri Pramod Kumar, S/o Shri Om Prakash, Aged about 35 years, R/o 8/3, Sehedule B, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
16. Shri Chandi Prasad, S/o Shri Rawat Ram, Aged about 32 years, r/o 3/11, G.Point, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
17. Shri Subhash Kumar, S/o Shri Nathi Ram, r/o Pocket-II/55, Sehedule A, President's Estate, New Delhi and Working as Sr. Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
18. Shri Balbir Singh, S/o Shri Jagat Ram, Aged about 36 years, r/o 12/178, G.Point, New Delhi and Working as Senior Household Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi. .... Applicants (By Shri S.S.Tewari, Advocate)

VERSUS

Union of India through

- 1. Secretary to the President of India, Rashtrapati Bhavan, New Delhi.
- 2. Under Secretary(Estt), President's Secretariat, Rastrapati Bhawan, New Delhi.

..... RESPONDENTS

(By Shri N.S. Mehta, Sr. Govt. counsel with Shri D.S. Jagotra, Advocates)

OA NO.1860/2000

- 1. Shri Darshan Ram, S/o Shri Tika Ram, Aged about 58 years, R/o Type III/Q, Schedule B, President's Estate, New Delhi and Working as Chief Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
- 2. Shri Birju Ram, S/o Shri Dhani Ram Aged about 59 years, R/o Type-II/Sch.B, President's Estate, New Delhi and Working as Head Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
- 3. Shri Jagdish Prasad, S/o Shri Kanshi Ram Aged about 59 years, R/o 4/50 G.Point New Delhi and working as Head Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
- 4. Shri Pratap Singh, S/o Shri Bache Singh Aged about 57 years, R/o 12/39 Schedule B, President's Estate, New Delhi and Working as Head Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
- 5. Shri Mohd. Islam, S/o late Shri Sadiq Hussain Aged about 58 years, R/o 5/14, Schedule B, President's Estate, New Delhi and Working as Sr. Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
- 6. Shri Mohd. Shafiq, S/o Late Shri Amir Mohd. Aged about 49 years, R/o 12/29, Schedule B, President's Estate, New Delhi and Working as Sr. Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
- 7. Shri Ram Gopal, S/o Shri Duli Chand Aged about 49 years, R/o 4/47, G.Point New Delhi and working as Sr. Room Attendant in President's Household Staff Rashtrapati Bhavan, New Delhi.
- 8. Shri Ramesh Chand, S/o Shri Ghasita Ram Aged about 45 years R/o 8/111 G.Point New Delhi and working as Sr. Room Attendant in President's Household Staff Rashtrapati Bhavan, New Delhi.
- 9. Shri Mohd. Nasim, S/o late Shri Qudratullah, Aged about 48 years, R/o 4/1, Schedule B, President's Estate, New Delhi and Working as Sr. Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.

- 10. Shri Het Ram, S/o Shri Ganesh Aged about 48 years, R/o Pocket-I/59 Sehedule A, President's Estate, New Delhi and Working as Sr. Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
- 11. Shri Nawab Ahmed. S/o late Shri Abdul Hamid Aged about 45 years, R/o 12/50, Schedule B, President's Estate, New Delhi and Working as Sr. Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
- 12. Shri Sohan Lal, S/o Shri Ganesh Ram, Aged about 44 years, R/o Pocket-I/76, Sehedule A, President's Estate, New Delhi and Working as Sr. Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
- 13. Shri K. Laxminarayana, S/o Late Shri K. Linganna, Aged about 46 years, R/o 4/2, Schedule B, President's Estate, New Delhi and Working as Sr. Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
- 14. Shri Arjun Singh, S/o Late Shri Jeet Singh, Aged about 41 years, R/o 13/13, Schedule B, President's Estate, New Delhi and Working as Sr. Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.
- 15. Shri Amar Dutt, S/o Shri Paras Ram, Aged about 39 y—ears, R/o Type-I/29, Sehedule A, President's Estate, New Delhi and Working as Sr. Room Attendant in President's Household Staff Rashtrapati Bhawan, New Delhi.

..... APPLICANTS

(By Shri S.S.Tewari, Advocate)

VERSUS

Union of India through

- 1. Secretary to the President of India, Rashtrapati Bhavan, New Delhi.
- 2. Under Secretary(Estt), President's Secretariat, Rastrapati Bhawan, New Delhi.

..... RESPONDENTS

(By Shri N.S. Mehta, Sr. Govt. counsel with Shri D.S. Jagotra, Advocates)

O R D E R (ORAL)

Shri Govindan S. Tampi, Member (A):

MA No.2215/2000 in OA No.1859/2000 and MA No.2216/2000 in OA No.1860/2000 for joining together in common applications are granted.

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2. The two OAs are being disposed of by a common order as the issues raised in both the OAs are the same.

3. Heard the learned counsel for the contesting parties viz. Shri S.S. Tiwari for the applicants and Shri N.S. Mehta with Shri Jagotra for the respondents.

4. Main relief sought in both these applications is the issue of a direction to the respondents "to grant the applicants the same pay scale as has been granted to other categories of the Household staff who were previously drawing the same basic pay and in some cases less than the applicants, in the pay scale of Rs.2750-4400 w.e.f. the date of their promotion as per their entitlement".

5. Eighteen (18) Applicants in OA 1859/2000 are Head Household Attendants/Sr. Household Attendants while the fifteen (15) Applicants in OA 1860/2000 are Chief Room Attendants/Head Room Attendants and Sr. Room Attendants in President's Household staff, Rashtrapati Bhawan. The identical pleas raised by the applicants in both OAs are that they have been denied the benefit of revision granted to similarly placed staff in President's Household Establishment vide OM dated 17.2.1999. According to them, though the applicants were getting the same pay (eg. Sr. Household Attendant and Sr. Room Attendant were on Rs.2750-4400) as staff in Kitchen Service, Pantry Service, House Service etc. but the pay scales of the latter like Butler, Sr. Laundryman etc. were revised to Rs.3050-4590/- which was denied to the

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applicants. Similarly, the revision of upgradation of Rs.4000-6000/- given to others was also denied to them, without any justification. Thus the household and Room staff had been discriminated vis-a-vis the other staff, which had no rational basis and deserved to be modified in the interest of justice. Shri Tiwari, the learned counsel also states that the ostensible ground raised by the respondents that the other staff performed specialised or skilled functions in comparison to the applicants has no basis as the applicants and those who have been given the higher pay, perform jobs which are inter-changeable in nature. Hence no case there was for any difference in treatment, argues Shri Tiwari.

6. According to Shri N.S. Mehta, learned Sr. Counsel for the respondents, the applicants do not at all have any case on merit. After the adoption of the recommendations of the 5th Central Pay Commission, a member of the staff in the President's Establishment performing skilled duties like Butlers etc. had been making representations against the discrimination meted out to them. To examine the same an Anomalies Committee was set up, which after studying the nature of work vis-a-vis the work done by similar staff in other Govt. departments and gave a report in July, 1997, some of the recommendations from which were accepted by the President in December, 1998. He also avers that as the Pay Commission had desired the reduction in the number of scales, clubbing up <sup>of some scales</sup> with some in the slightly higher scales. <sub>did take place</sub> Our attention was also specifically invited to

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para 3.9 of ~~the report of the Committee~~ wherein they had dealt with the case of the Household staff like the ~~applicants~~. The same is abstracted as below:

"3.9.

3.9.1. In a joint representation, the Sr. Household Attendants have stated that they have been placed in the same scale as Jr. Butlers for several years i.e 825-1200 and that this parity should be maintained even in future.

3.9.2. The Committee has examined their representation and found that prior to 1.1.86, the Sr. Household Attendants were in the scale of 200-270 and Selection Grade of 210-270 while the Junior Butlers were in the scale of 210-290 and Selection Grade of 260-350 but both were given the scale of 825-1200 w.e.f. 10.12.86. The Committee has separately examined a representation of the Butlers who have asked for the 950-1400 scale which was given to other House Hold employees who were in the 210-270 scale. The Committee found the claim of Butlers for elevation justified and has accordingly recommended it (refer remarks of the Committee on the representation of Butlers - Para 3.3). The Committee felt that acceding to the Sr. Household Attendants request is not justified and the difference that existed prior to 1.1.86 between the Sr. Household Attendants and the Jr. Butlers should be maintained. The scale, therefore, does not require revision."

7. In view of the above, it is evident that the case of the applicants has been correctly examined and rejected by the Anomaly Committee as their jobs did not involve or require application of any specialisation or skill and therefore, there is no reason at all for this Tribunal to interfere in the matter. The learned counsel also referred to the decision of the Hon'ble Apex Court in the case FAIC&CES Vs. UOI {(1988) SCC (3) 91} directing that the determination of the rational nexus with the object sought for fixation of pay scales has to be left with the expert bodies and the same shall not be interfered with by the Courts unless it is demonstrated

that either it is irrational or based on no <sup>or improper</sup> basis or arrived mala fide either in law or in fact. Present applications did not indicate any of the special circumstances which warranted any interference. The entire work regarding fixation of pay and removal of anomaly in respect of the skilled workers had been settled by the Anomaly Committee and therefore, there was no reason for this Tribunal to pass any order on these applications, argues Shri Mehta.

8. We had deliberated at length and in depth the rival contentions and we are convinced that this application does not invite any action by the Tribunal. As pointed out by the Hon'ble Supreme Court in the case of FAICCES Vs. UOI, referred supra by the learned Sr. Counsel for the respondents, as well as in the case of P.V. Hariharan, matters of fixation of pay etc. are better left at the hands of the experts like Pay Commission and no interference by the Court/Tribunal is warranted, unless the recommendation by such bodies is malafide and irrational. We do not feel that the position is so in these cases. It is seen that following the adoption of the recommendations of the 5th Central Pay Commission with regard to the staff in the President's Household Establishment, a group from amongst the staff, declared to be skilled workers had represented against the anomalies which have crept. Therefore, an Anomalies Committee has been constituted in the President's Secretariat to look into the matter. The said Committee, after considering all the issues had accepted claims of certain skilled categories of staff,

holding at the same time that the claims of Household Attendants and Room Attendants like the applicants were not justified and did not warrant any revision. It follows thereby that the applicants have not been discriminated as alleged, but a few others who belonged to special categories were given higher scales. That being the case, we are convinced that a thorough and proper exercise of mind on the issue had been undertaken by an expert body and therefore, their decision has to be declared as unassailable. Nothing remains for the Tribunal to adjudicate upon.

9. Applicants in the circumstances have not, ~~not~~ in <sup>our</sup> view, made out any case at all for our intervention. They fail and are accordingly dismissed. No costs.

*(Signature)*  
 (GOVINDAN S. TAMPI)  
 MEMBER (A)

*(Signature)*  
 (ASHOK AGARWAL)  
 CHAIRMAN

(pkr)