

Central Administrative Tribunal, Principal Bench

Original Application No.2120 of 2000

New Delhi, this the 9th day of January, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. M.P. Singh, Member (A)

Smt. Shanta Jindal,
W/o Dr. U.C. Jindal
R/o EA-383, Maya Enclave
Hari Nagar, New Delhi
and working as Librarian, College of Art
Tilak Marg, New Delhi

.....Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Lt. Governor
Govt. of NCT of Delhi
Raj Niwas Marg
Delhi

2. Chief Secretary,
Govt. of NCT of Delhi
5, Sham Nath Marg,
Delhi

3. Secretary
Technical Education
Directorate of Training and Technical Education
Muni Maya Ram Marg,
Pitampura, Delhi-34

4. Principal
College of Art,
20, Tilak Marg
New Delhi

.....Respondents

(By Advocate: Shri Devesh Singh)

O R D E R (ORAL)

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

The applicant by filing this OA has sought direction to grant her pay scale of Rs.8000-13500 w.e.f. the date it has been granted to other Librarians of other colleges affiliated to Delhi University alongwith arrears and all other consequential benefits.

2. Brief facts of the case are that the applicant was appointed as a Librarian in the College of Art



(affiliated to Delhi University) in 1965 in the pay scale of Rs.210-380 which was subsequently revised to Rs.210-425. As per the recommendations of 4th Pay Commission, the pay scale of the applicant was revised to Rs.1400-2300 but at the same time, the Librarians of other colleges of Delhi University who were doing the same work, were kept in a higher scale of Rs.2200-4000. As per the recommendations of the 5th Pay Commission, the pay scale of the applicant as a Librarian in the College of Arts was revised to Rs.4500-7000 whereas the pay scale of Librarians in the schools of Govt. of NCT Delhi was revised to a higher pay scale of Rs.5500-9000. According to the applicant, the Principal of the College of Art has recommended her case for grant of higher pay scale on a number of occasions. The applicant has also given several representations to the respondents requesting therein for enhancement of the pay scale. The respondents, till now, have not acceded to the request of the applicant for grant of higher pay scale. Hence this OA.

3. The respondents in their reply have stated that the service conditions and pay scales of Delhi University^{employees} are different from ^{those of} the service conditions and pay scales of Govt. of NCT Delhi. Further the applicant's services are governed by Delhi Government and that is why the same cannot be compared with employee of Delhi University. It is further stated by the respondents that the service conditions and the nature of duties of the PTIs are different from Librarian and, therefore, no comparison

can be made between the pay scale of PTIs and the Librarian. The applicant has been granted the pay scale as per the recommendation of 5th Pay Commission. As regards revision of pay scales of the Librarians in the schools of Govt. of NCT Delhi, it has been mentioned that the same was based specifically on the recommendations of the 5th Pay Commission.

4. We have heard the learned counsel for the parties and gone through the records.


5. During the course of arguments, learned counsel for the applicant submitted that the applicant has been working as a Librarian in the Arts College which is a Post-Graduate College affiliated to Delhi University. The pay scale granted to her is Rs.4500-7000 whereas in the schools of Delhi Administration, librarians have been granted the revised pay scale of Rs.5500-9000. He has also drawn our attention to the judgement of the Tribunal dated 31.8.98 in OA No.3333/92 in the case of Mohinder Singh Chaudhary vs. Secretary, Ministry of Human Resource Development & ors. He submitted that in this case, the applicant who was Physical Training Instructor in the College of Art where the present applicant is working, had sought parity of pay scales with similarly situated PTIs in other colleges. The Tribunal allowed that OA and the applicant was granted the same pay scale which was being given to the PTIs of other colleges affiliated to Delhi University. On the same analogy, the applicant who is working as a Librarian in the College of

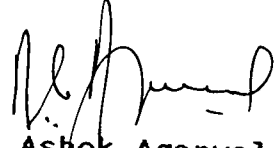
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Art (affiliated to Delhi University), could be granted the revised pay scale of Rs.8000-13500 as has been given to the Librarians of other colleges. Alternatively, the pay scale of the applicant could be revised to that of the Librarians working in the schools of Govt. of NCT Delhi i.e. Rs.5500-9000.

6. The question for consideration before us is whether the post of Librarian held by the applicant can be equated with the Librarians working in the schools and colleges of the Govt. of NCT Delhi for the purpose of grant of pay scale. The Supreme Court in the case of Union of India & ors. vs. P.V. Hariharan & ors., JT 1997 (3) SC 569 has held that "the Tribunal should realise that interfering with the prescribed pay scales is a serious matter as pay scales are fixed by the Government on the recommendations of the Pay Commission. There is no justification for interfering with the pay scales." Moreover, the pay scales are granted after taking into consideration various factors like job description, responsibilities, educational qualifications, cadre strength and promotional avenues. The Tribunal cannot go into all these aspects for grant of higher pay scale. This is the function of the expert body like Pay Commission.

7. In view of the reasons recorded above and also the ratio applied by the Supreme Court in the case of P.V.Hariharan (supra), this OA has no merit and is accordingly dismissed. No costs.


(M.P. Singh)
Member (A)


(Ashok Agarwal)
Chairman