

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.85/2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 27th day of November, 2000

Shri T.N.Anantha Raman
s/o late Shri A.v.Raman
Stenographer Grade 'C'
National Council for Hotel
Management & Catering Technology
Library Avenue
Pusa Complex
New Delhi - 110 012. Applicant

(By Mrs. Meelu Mainee, proxy of Shri B.S.Mainee,
Advocate)

Vs.

Union of India through

1. The Secretary
Government of India
Ministry of Tourism
Hotel Management and Catering Division
Transport Bhawan
Parliament Street
New Delhi.
2. The Chief Executive Officer
National Council for Hotel Management
& Catering Technology
Transport Bhawan
New Delhi.
3. The Director (Admn. & Finance)
National Council for Hotel Management
& Catering Technology
Library Avenue
Pusa Complex
New Delhi. Respondents

(By Shri S.K.Gupta, Advocate)

O R D E R (Oral)

By Shri Govindan S. Tampi, Member(A):

Applicant in this case seeks parity of pay among the Stenographers working in National Council for Hotel Management and Catering Technology and Applied Nutrition and the various institutes under the Council.

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2. The applicant who was appointed as Stenographer 'C' in the pay scale of Rs.1400-2300/- on 13.3.1989 in the National Council for Hotel Management & Catering Technology, Ministry of Tourism, New Delhi continues to work in that capacity. It is his case that following the adoption of the recommendations of the Fourth Pay Commission, Ministry's letter No.1(4a)/86, dated 14.4.1987, instructions were issued placing the Stenographers to Principal in the Institute of Hotel Management, catering and Nutrition in the grade of Rs.1400-2600/-. Thereafter, Ministry of Finance directed on 4.5.1990, to have the pay scales of Stenographers revised to Rs.1400-2600 w.e.f. 1.1.1986. These have been adopted by the Institutes of Hotel Management of Jaipur and Bhubaneshwar, both w.e.f. 1.1.1986. Applicant's request dated 1.9.1998 for the grant of similar benefit and revision of scale did not evoke any reply. This was followed by another representation dated 22.10.1998 for grant of replacement scale of Rs.5000-8000/- which corresponded to the raised grade of Rs.1400-2300/-. Two more representations followed and the last of which was rejected on 20/21-12-1999 on the ground that the relevant OM applied to subordinate/attached offices of the Ministry of Tourism and not to the National Council and Hotel Management which was an autonomous body. This was really surprising and incorrect as Institutes at Jaipur and Bhubaneshwar, working under the National Council has already given effect to it. Respondents controvert the claim holding that the

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concerned institutes were independent of one another and therefore revision of pay is one cannot automatically lead to the other.

3. Heard both the counsel for the applicant and the respondents. Smt. Meenu Mainee, learned counsel for the applicant states that this is a case on the principles of 'equal pay for equal work'. On the other hand, the learned counsel arguing on behalf of the respondents, Shri S.K.Gupta, states that the staff attached to the Institute are not similarly placed vis-a-vis one another and/or the Council. Each Institute of Hotel Management is an independent entity registered under the Registrar of Societies Act and they did not come under the purview of the Ministry of Tourism.

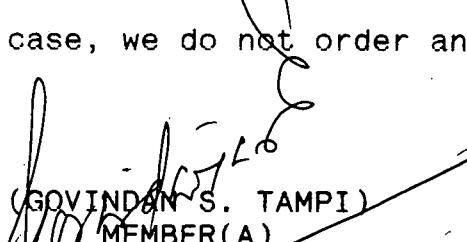
4. We have given anxious consideration to the contentions raised by the counsel on either side. We are convinced that the applicants have a case and the plea raised by the learned counsel for the respondents have no basis. It is public knowledge that all the twenty and odd Institutes of Hotel Management, Catering Technology and Applied Nutrition are similarly placed, coming under the National Council for Hotel Management, functioning under the aegis of the Ministry of Tourism. There is therefore no reason for any discrimination among the similarly placed staff working in National Council for Hotel Management & Catering and the Institutes. What has been prayed by the applicant is that he may be given the benefit which has been granted to Stenographers identically placed in the Institute of Hotel Management Catering

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Technology and Applied Nutrition, Jaipur and Institute of Hotel Management, Bhubaneswar and he should be granted the revised pay scale of Rs.1400-2600 from 1989 and revised pay of Rs.5000-8000. This request is legal and proper and merits acceptance. Respondents plea that the Institutes are independent of one another does not state the obvious, as all the Institutes are interlinked administratively and academically under the council and the Ministry of Tourism. The pay parity sought for is correct and has to be granted. But as he had come to the Tribunal only in 11.1.2000, he would get the fixation from 1.1.1986 but the arrears only pay one year prior to the application, i.e., 1.1.1999.

5. The application therefore succeeds and is accordingly allowed. The respondents are directed to refix the pay of the applicant in the pre revised pay scale of Rs.1400-2600 from the date of his initial appointment, i.e., 13.3.1989 and grant him the relevant replacement scale of Rs.5000-8000/- from 1.1.1996. This fixation would be notional and he would be entitled for grant of arrears only from 1.1.1999, i.e., one year prior to his filing of this application. However, in the circumstances of the case, we do not order any costs.


(GOVINDAN S. TAMPI)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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