

Central Administrative Tribunal Principal Bench

O.A. No. 995 of 2000

New Delhi, this the day of 17th April, 2001.

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Mr. Govindan S. Tampi, Member(A)

Shri Vinay Wason
S/o Late Shri K.L. Wason, aged 50 years
Working as Offset Machine Operator,
Central Water Commission,
Bewa Bhawan, R.K.Puram,
New Delhi-110066.Applicant.
(By Advocate: Shri K.L.Bhandula)

Versus

1. Union of India through
Secretary to the Govt. of India
Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi - 110 001.
2. The Chairman,
Central Water Commission,
Sewa Bhawan, R.K. Puram,
New Delhi-110066.
3. Secretary to the Govt. of India,
Ministry of Finance(Deptt. of Expenditure)
(Implementation Cell-Fifth Pay Commission)
North Block, New Delhi-110001. ..Respondents
(By Advocate: Shri Anil Singhal learned proxy
counsel Mrs. P.K. Gupta)

ORDER

By Shri Govindan S. Tampi, Member(A)

Shri Vinay Wason has come up in its application challenging the order dated 28.5.99 issued to Director(TD) Central Water Commission, served on the applicant on 4.6.99, rejecting his request for upgradation of his pay scale from Rs.4500-7000/- to Rs.5000-8000/-.

2. Heard learned counsel for the applicant and the respondents.

3. Accordingly to Shri K.L. Bhandula, learned counsel for the applicant, the latter who joined as Asstt.

Offset Machine Operator with the respondents on 6.10.77 became Offset Machine Operator on 1.1.94, and since then is working on a sophisticated and state of the Art Printing Press of Central Water Commission's Publication Division. After the IV Pay Commission his scale of pay stood at Rs.1400-2300/- like those in Printing Presses of various Ministries who were given replacement scale of Rs.5000-8000/- after the 5th Central Pay Commission which however was not given to the applicant who was placed on Rs.4500-7000/-. Besides, earlier they were in the scale of Rs.425-700/- like the Asstt. in the Sectt., who got the scale of Rs.1400-2600/- after the 4th Central Pay Commission and thereafter were granted the scale of Rs.5500-9000/- after the 5th Central Pay Commission. In spite of their holding similar jobs and performing similar functions like those in Presses other Ministries who were given the scale of Rs.5000-8000/- he was discriminated. According to Shri Bhandula, the applicant was entitled to be given the scale of Rs.5500-9000/- as was granted to Asstts. or at least Rs.5000-8000/- at par with his colleagues in the other Ministries. In fact the organisation wherein he was working also had recommended his case but the same was not put before the Anomalies Committee and justice rendered to him but the impugned order has been issued stating that the Ministry of Finance (Department of Expenditure) had not agreed to the revision sought in spite of Pay Commission recommendation in 55.229 being in his favour.

4. Replying to the above contentions Shri ²⁴ Anil Singhal, learned counsel for the respondents ably argues out that the applicant's representation of 28.11.97 was examined by the Ministry of Finance who opined that his post was not akin to those in Budget Press. and therefore advised that the scale could only be Rs.4500-7000/- which was the normal replacement scale for Rs.1400-2300/-. It was also advised that the concerned Ministry could place the case before the Anomalies Committee if felt proper which was not done. The applicants plea that the replacement scale for Rs.1400-2300/- was Rs.5000-8000/- was not correct. In terms of Recruitment Rules themselves the qualification for the Offset Machine Operator in CWC(the applicant) and that in Budget Pres was different and therefore though they were originally in the same scale, the latter was recommended the high scale of Rs.1600-2660 and its replacement scale. The applicant cannot have any grievance in the situation, Shri Singhal.

5. We have carefully considered the matter and perused the relevant papers. The applicant seeks that instead of the pay scale of Rs.4500-7000/- in which he is placed, he should have been placed either in the scale of Rs.5500/- Rs.9000/- like the Asstt in the Secretariate or in that of Rs.500⁰₀-8000/- like the Offset Machine Operator in other Ministries. His case for parity with the Asstts in the Secretariate, on the ground that after 3rd Pay Commission they were in the same scale of Rs.425-700/- has no basis as after 4th Pay Commission, Asstts. were placed in the scale of Rs.1400-2600/-, while the applicant was in Rs.1400-2300/- scale. The revised pay scale of Rs.5500-9000/- was for those in Rs.1400-2600/-

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and the applicant has no vested right for getting it.

His claims for being placed in the scale of Rs.5000-8000/- would have been justified only if that was the normal replacement scale for Rs.1400-2300/-. In fact it is not so. The normal replacement scale for Rs.1400-2300/- is Rs.4500-7000/-. Only in a few case where original pay scale of Rs.1400-2300/- was revised to Rs.1600-2660/- the replacement scale of Rs.5000-8000/- was permitted. In all other cases the normal replacement scale of Rs.4500-7000/- alone was granted. The applicant's case belonged to that group. Machine Operators in Budget Press in the Ministry of Finance were recommended the revised scale of Rs.1600-2660/- and were therefore granted the replacement scale of Rs.5000-8000/-. Applicant cannot seek parity in treatment with them. In terms of the Recruitment Rules the minimum qualification for the post of Machine Operator in Budget Press stood at 6 years experience in operating an Offset Printing Machine as opposed to the applicant's job where the qualification was only 3 years experience. Evidently therefore the Offset Machine Operator of Budget Press was given the higher pay of Rs.1600-2660/- and the revised pay of Rs.5000-8000/- which was not granted to the applicant. It is also seen that the staff attached to Bank Note and Security Press were kept by the Pay Commission at a higher level vide their report para 55.217, account of their being engaged in state of the art Printing Process. The applicant cannot seek parity with them as well. It is also on record that the Ministry of Water Resources the concerned Administrative Ministry, originally entertained the application by the applicant, did not present the case

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before the Anomalies Committee, though they had been advised to do so, if felt needed by the finance Ministry on 5.2.98. Obviously in their own estimation the case of those like the applicant did not deserve to be so considered. In the circumstances, there cannot be any legitimate quarrel with the impugned order. Once the recommendation with reference to a particular job has been made after due consideration of all facts by an expert body like the Pay Commission the the same has duly accepted by the competent authority, it is not for the Courts or Tribunals to interfere with the same on the alleged grounds of equal pay for equal work. Hon'ble Supreme Court has also frowned upon such attempts by the Tribunals in the case of Union of India & Another Vs. P.V. Hariharan & Another 1997 SCC (L&S) 838. In the instant case precisely the same has occurred and therefore we are not inclined to interfere in this matter.

6. The application thus being devoid of any merit fails and is accordingly dismissed. No costs.

(Govindan S. Tampi)
Member(A)

(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)

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