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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1454/89.

New Delhi, this the 27th day of April, 1994.

SHRI J.P.SHARMA, MEMBER(J).
SHRI S.R.ADIGE, MEMBER(A).

1. Shri P.C. Chakravorty,
S/o Shri S.C. Chakravorty,
E-6, Police Wireless,
M/Tomb Nizamuddin East,
New Delhi-13.
2. Shri H.C. Bhanot,
S/o Shri P.D. Bhanot,
160 F, Aram Bagh,
New Delhi-110055.
3. Shri V.K. Sharma,
S/o Triloki Nath Sharma,
1621-Lodi Road Complex,
New Delhi-110003.
4. Shri Raj Kumar,
S/o Shri Mulki Singh,
1/3 230-Ram Nagar Extn.,
Shahdra, Delhi-32.
5. Shri Dharam Pal Singh,
S/o Shri Jati Ram,
J & K -89,
Laxmi Nagar,
Delhi-92.
6. Shri V.K. Shrivastawa,
S/o Shri K.S. Shrivastwa,
J-197, Arjun Nagar,
New Delhi-29.
7. Shri D.C. Sharma,
S/o Shri T.N. Sharma,
1621-Lodi Road Complex,
New Delhi-110003.
8. Shri A.P. Singh,
S/o Shri Harnam Singh,
1290 -Lodi Road Complex,
New Delhi-110003. ...Applicants

(All the applicants are working as Technical Assistant (Maintenance) in the office of the Directorate of Co-ordination (Police Wireless), M.H.A., Block No.9, C.G.O.Complex, New Delhi-110003.)

By advocate : Shri E.X.Joseph.

VERSUS

1. Union of India, through the Secretary,
Department of Home Affairs, North Block,
New Delhi.
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2. The Director,
Directorate of Coordination, Police Wireless,
Ministry of Home Affairs, C.G.O., Block No.9,
New Delhi.

...Respondents

By advocate : None.

O R D E R (ORAL)

SHRI J.P.SHARMA :

The post of Technical Assistant (Maintenance) under the Directorate of Coordination (Police Wireless) in the Ministry of Home Affairs carries a pay scale as recommended by the Fourth Pay Commission is Rs.1400-2300. This post is a promotional post and the feeder post is of Radio Technician for which diploma holders are in the pay scale of Rs.1400-2300 and non-diploma holders have the pay scale of Rs.1350-2200. For the diploma holders, three advance increments are also given. Before the Fourth Pay Commission, the pay scales of both the above posts was Rs.425-700 and Rs.380-480, respectively. Before the Fourth Pay Commission, the pay scale of Technical Assistant (Maintenance) was Rs.425-700. Thereafter, there is a promotion to the post of Senior Technical Assistant in the scale of Rs.1640-2900, Extra Assistant Director in the pay scale of Rs.2000-3500, Assistant Director in the pay scale of Rs.2200-4000, Deputy Director in the scale of Rs.3000-4500 and Joint Director in the scale of Rs.3700-5300. They made certain representations and thereafter filed the present application for issuing a direction to the respondents to fix higher pay scale for category of Technical Assistants (Maintenance) and at least they should be paid in the scale of Rs.1640-2900. They have also prayed for a direction to the respondents that Rs.60/- as proficiency pay per month ~~be~~ paid to such of the applicants who have passed three tests be not reduced.

2. The respondents contested this application and in the reply, it is stated that Technical Assistant (Maintenance) is not treated at par with Radio Technicians and is made the local incharge of the transmitting station at inter-police wireless stations.

So respondents are not to be paid Rs.60/- as proficiency pay per month.

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He supervises the work of Radio Technicians and guide them, whenever required. The proficiency pay of Rs.60/- is added in the pay scale of promotion and as such, on promotion as Radio Technician, they are not deprived of this benefit. The respondents, however, in their counter stated that the matter was taken up with the Ministry of Finance but the said Ministry did not agree for revision of the pay scales as it would be a chain of pay scales. The matter was taken earlier before the Fourth Pay Commission came into being and also after the Fourth Pay Commission.

3. None is present on behalf of the respondents. Since this is an old case, we decide the case after hearing the counsel for the applicant and on the basis of the pleadings and carefully perused the reply filed by the respondents. The respondents in the reply have stated that the case was taken up with the Ministry of Finance but the concerned Ministry did not agree. The respondents have not filed any communication address by Ministry of Finance nor they have revealed any reasons in the reply to the original application. The only relevant portion of the counter in this behalf refers to the fact that Ministry of Finance did not agree because it would have a chain revision of pay scales. However, we find that the feeder post and the promotional post carries the same scale of pay. It is not disputed by the respondents that the Technical Assistant (Maintenance) has to discharge onerous duties as well as supervisory duties for the Radio Technicians. The next promotional post of Senior Technical Assistant requires at least 5 years' service in the grade. Though recruitment rules have not been filed by either of the parties, but it appears obvious from the records that the pay scale of Radio Technicians diploma holders and Technical Assistant (Maintenance) are the same, i.e., Rs.1400-2300. These Radio Technicians diploma holders are given 3 advance increments at the time of posting. The award of higher scale to Radio Technicians diploma holders is justified on the ground that they have got higher qualifications. The learned counsel for the applicant has also referred to the decision in some of the cases of equal pay for equal work and also on the point that the higher post having

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higher responsibility should have higher pay scales. He has referred to the case of PREM CHAND SOM CHAND SAHAI vs. UNION OF INDIA 1991 VOL.2 SCC P.8 and the case of AMRIT LAL BAHRI vs. COLLECTOR, CMCF, AIR 1975 SC p.538.

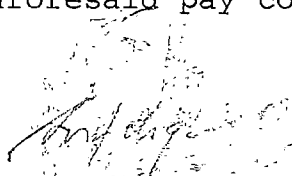
4. Equal pay for equal work is no more an abstract doctrine and a number of decisions since the RANDHIR SINGH's case of 1982 have come up recognising this principle. However, the courts or Tribunals should sparingly tinker with the matter which need expert background in a matter like the fixation of pay. As the Ministry of Finance has pointed out to the respondents that there would be a chain revision of pay scales, similarly the Tribunal is deprived of that benefit of having the pay scales in force in other similarly stationed officials in different units/organisations of Union of India. The analogy has been drawn to the post of Junior Engineer but that analogy we cannot say, have any basis as the responsibilities and duties, the mode of entry into service, the qualification prescribed, the duties discharged, and responsibilities shared have not been projected by either of the parties. In the case of STATE OF U.P. vs. J.P. CHAURASIA, reported in 1989 AIR SC p.19, the Hon'ble Supreme Court considered the matter of the fixation of pay scales of the Personal Secretaries posted in the Allahabad High Court. There were two different scales for the same post Reader/Private Secretaries discharging almost the same functions and having the same eligibility qualifications. The Hon'ble Supreme Court observed that the matter should not be considered separately in judicial review and should be left to the expert/anomaly committee which has been formed to look after such discrepancies. This counter has been filed by the respondents in September, 89 and it is not known that what recommendations have been made by the aforesaid committee and whether such a recommendation has been accepted by the Government/Ministry of Finance or not. We are also now aware that the Fifth Pay Commission has been constituted and the said commission shall be taking over the functions of an expert body to decide the parity of pay scales of various departments/organisations of Union of India.


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5. In view of the above facts and circumstances, the application is disposed of with the direction to the respondents to expedite the report of the anomaly committee which has been constituted as averred by them in their counter and also consider for eradication of this anomaly in the pay scales of Radio Technicians and Technical Assistants (Maintenance) at the proper level even before the Fifth Pay Commission. The applicants shall be free to make their own representations either individually or ~~the same~~ collectively before the aforesaid pay commission. No costs.

press the same


(S.R. ADIGE)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

'KALRA'