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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.28/89.

New Delhi, this the 31st day of January, 1994.

SHRI J.P.SHARMA, MEMBER(J).
SHRI B.K. SINGH, MEMBER(A).

1. Shri Narpat Singh son of Sh. Kabir Singh,
2. Shri Mahdi Hasan son of Sh. Naurang, and
3. Sh. Dayanand son of Sh. Amar Singh.

(All working at : Mail Mailing Unit,
Bikaner House, Shahjahan Road,
New Delhi.)

...Applicants

(By advocate: Shri R.K.Gupta)

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Health & Family Welfare,
(Mass Mailing Unit), Nirman Bhawan,
New Delhi-110001.

2. Under Secretary (Finance Division),
Ministry of Health & Family Welfare,
(Mass Mailing Unit), Nirman Bhawan,
New Delhi-110001.

...Respondents

(By advocate: Shri Ashish Kalia, proxy
for Shri K.C.Mittal)

O R D E R (ORAL)

SHRI J.P.SHARMA :

All the applicants are Packers employed in the Mass Mailing Unit (MMU) of Ministry of Health and Family Welfare. Under the same Ministry, there are two other units, i.e., Central Government Health Services (CGHS) and CHEB where there are also posts of Packers. In the department of DAVP also, there are posts of Packers, i.e., under Ministry of Information and Broadcasting (I&B). The applicants were in the pre-revised scale of Rs.196-3-220-EB-3-232. The same scale was also admissible to Packers in DAVP but there the promotional avenue is to the post of Head Packer

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which is not in the case of the applicants. On the recommendations of the Fourth Pay Commission's report, the pay scales have been replaced by Rs.750-12-870-14-940. The grievance of the applicants is that they are also ~~also~~ working under Union of India as well as in the Ministry of Health and Family Welfare but those who are appointed as Packers to CGHS and CHEB are being given higher pay scales in spite of the fact that the qualifications prescribed for the post and the responsibilities as well as duties expected from such incumbents are same and similar. In view of this, the applicants made representations to the respondents to remove the anomaly and given them the same pay scales as are being given to other units of the Ministry of Health and Family Welfare on the principle of 'equal pay for equal work'. Ultimately, when the relief was not granted departmentally, the applicants have filed the present application jointly in December, 1988 claiming for the relief that the respondents be directed to pay the salaries of the applicants at par as being paid to other Packers working in CGHS with all the arrears of pay and allowances which becomes due to them from the date of joining their duties with all consequential reliefs of service throughout. Further promotional avenue for the post of Head Packers be also opened for the applicants.

2. The respondents in their reply to the notice have filed a reply wherein it is stated that the Packers working in different organisations of Government of India are being paid in different scales.

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The duties of Packers of MMU, CGEB of the Ministry of Health & Family Welfare and DAVP of the Ministry of I & B are the same while the duties of packers of CGHS are sophisticated inasmuch as they have to deal with medicines (solid and liquid) and also injectables and as such the job of packers in the CGHS is more delicate as compared to the packers of MMU, CHEB and DAVP. The earlier scales prescribed for packers were Rs. 210-4-226-EB-250-EB-5-290 which has been replaced by Rs. 800-15-1010-20-1150. The respondents, however, have conceded the fact the the duties of the packers as well as qualifications fo recruitment of packers in MMU, CHEB and DAVP are the same but pay scales are dissimilar and to bring the similarity in the pay scales at Rs.775-1025 is under consideration of the Ministry of Health and Family Welfare.

3. We have heard the learned counsel for the parties at length and perused the records of the case.

4. Equal pay for equal work is no longer an abstract doctrine. Under Article 39 of the Constitution of India, as a policy of a welfare state, the Government being a model employer is under obligation to pay equal to all those who are discharging the same and similar functions carrying similar responsibilities and duties for the post. The respondents have rightly considered this fact in their reply and we did not, therefore, go in further detail of the matter regarding equation of posts of packers in MMU to that of posts existing in CGEB under Ministry of Health and Family Welfare and DAVP in the

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Ministry of I. & B. the learned counsel for the applicant, however, pointed out that department has made recommendations in their favour to equate them with the packers working in CGHS of the Ministry of Health and Family Welfare. Though the qualifications are same but the functions discharged by them do not appear to be similar inasmuch as a liquid medicine may be having the same colour but it has to be identified whether it is injectable, anesthesia or any other liquid which needs special training and experience. The applicants, however, have only to pack papers and documents and not the medicines. Thus, it cannot be said that the packers in the two ranks of Union of India in the same Ministry are discharging the same functions. The equation claimed by the applicants with the packers of CGHS, therefore, could not be reasonable and justifiable.

5. However, the respondents are considering the representations of the applicants made in 1987. Though it is a function of an expert body to find out the equation of pay and posts, but on the face of it, the discrepancy appears and is evident *prima facie*, covered with the fact that respondents have conceded the fact, the court can issue suitable directions when the respondents have not discharged their administrative liability.

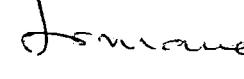
6. The respondents' counsel has nothing to say and only placed reliance on the reply filed by them.

7. In view of the above facts and circumstances,

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the application is partly allowed with the directions to the respondents to consider the case of the promotional avenue and applicants of allowing the same pay scales which have been allowed to the packers in CHEB in the Ministry of Health and Family Welfare of Rs.775-1025 and award the same scale w.e.f. 01-01-1986. The respondents to comply with these directions within a period of four months from the date of receipt of a copy of this Order. No costs.


(B.K.SINGH)
MEMBER(A)


(J.P.SHARMA)
MEMBER(J)

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