

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

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O.A. No.949 of 1989

Dated New Delhi, this the 21st day of April, 1994

Hon'ble Shri J. P. Sharma, Member (J)
Hon'ble Shri B. K. Singh, Member (A)

CSS-GROUP/A Officers Association
Through its Secretary
Shri K. V. Srinivasan
37-A Krishi Bhawan
NEW DELHI 110 011

... Applicant

By Advocate: Shri D. C. Vohra

VERSUS

Union of India
Through the Secretary
Department of Personnel & Training
Government of India
North Block
NEW DELHI 110 011

... Respondent

By Advocate: Shri P. H. Ramchandani

O R D E R
(ORAL)

Hon'ble Shri J. P. Sharma, M(7)

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The applicant has assailed this OA, the discriminatory treatment to Group/A officers of the Central Secretariat Service vis-a-vis other Group/A officers in the matter of payment of Special Pay and denial of "Equal Pay for Equal Work".

2. The applicant represents all Group/A officers of Central Secretariat Service from the rank of Under Secretary and above. In this OA filed in May, 1989 the applicant has prayed that order dated 1.3.89 by the respondent be quashed with the direction to the respondent U.O.I. to treat the members of the applicant/ Association working against the posts of Under Secretary/Deputy Secretary/Director on par with other Group/A officers of other organised services in the matter of grant of Special Pay, which is attached to posts under the Central Staffing Scheme and further that they may also be paid arrears of Special Pay as admissible w.e.f. 1.1.1986 in terms of OM dated 22.9.1987.

3. The respondent contested this application and stated that the order dated 1.3.89 is not discriminatory to the applicant Association. According to the Central Secretariat Service Rules, 1962, the composition of the service is:

Central Civil Service - Deputy Secretary and
Group-A Under Secretary

Central Civil Service - Section Officer's grade
Group-B Ministerial and Assistant's grade.

The posts of Deputy Secretary and Under Secretary are included in the cadre of the service and that cadre is being represented by the applicant which is a recognised one. Under Rule 12(1), vacancies in Grade-I of the Service i.e. Under Secretary and Deputy Secretary are to be filled up by promotion of permanent officers from Group-B Ministerial of the Section Officer's grade. They are in the regular cadre of the Service. The above principle also applies when an officer of the CSS is further promoted as Director. It is stated that officers coming from other services on deputation who are covered by the impugned OM of 1.1.89 are allowed deputation allowance, constituting a different class and payment of Special Pay (which was earlier termed as deputation allowance) which was not said to be discriminatory. As such latter officers are not part of the cadre of the CSS. They manned the post for a particular period after which they are repatriated to their parent organisation.


4. We had heard the learned counsel for the applicant, Shri D. C. Vohra on the earlier occasion on 23.3.94. We have also heard the learned counsel for the applicant as well as counsel for the respondent to-day.

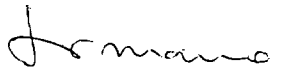
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5. ^{issue} The/involved in the present application affects a large number of the CSS Group-A employees. Their grievance is the question of pay to other similarly situated employees who are drawn on deputation from other organisation/Service and are given benefit Special Pay/Deputation Allowance. Basically, the applicant invoke the principle of 'equal pay for equal work' meaning thereby that when the members of the Applicant Association are discharging similar function sharing the same duties and responsibilities than who are drawn on deputation from other organised services, in that event, they should also be given the benefit of Special Pay/Deputation Allowance.

6. During the course of hearing, it transpires that the Government has notified the appointment of Fifth Pay Commission which should be an expert body to go through the grievances affecting service conditions as well as Pay and allowances etc. payable to Central Government employees. When this expert body is already constituted, it does not appear just and proper to go into details in this issue.

7. In view of the above facts and circumstances of the case, the application is dismissed with no order as to costs.


(B. K. Singh)
Member (A)


(J. P. Sharma)
Member (J)

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