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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

O.A. 142/88.

Date of decision: 25.5.1993.

Shri M.L. Batra & Ors.

Petitioners.

Versus

Union of India & Ors.

Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER(A).

For the Petitioners.

None.

For the Respondents.

Shri P.P. Khurana, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

None appears for the petitioner. We have perused the record and heard Shri P.P. Khurana, learned counsel for the respondents. The petitioners have approached this Tribunal praying for a direction to the respondents scale to grant the same pay-/to Tally Clerks as is given to Lower Division Clerks and Skilled Workers, namely, the scale of Rs.950-1500. The petitioners are working as Tally Clerks in the Delhi Milk Scheme and are in the scale of Rs.825-1200 granted in pursuance of the recommendations of the IVth Pay Commission. The scale of pay fixed for Lower Division Clerks is Rs.950-1500. The petitioners have invoked the principle of equal pay for equal work and claim parity in the matter of pay scales with the Lower Division Clerks and Skilled workers. The pleadings

of the petitioners, however, emphasise their comparison with the Lower Division Clerks. In support of their case, they have stated in paragraph 6(iii) that the essential condition prescribed for recruitment to posts of Tally Clerk is "Middle School Standard Pass" and desirable qualification is "Experience of Accounts Clerk for some time in a Government Office or business firm of repute". It is stated that the middle class standard pass is the minimum qualification for the post of Tally Clerk, and in fact, vast majority of Tally Clerks are matriculates and some of them are graduates and post-graduates. That these are the qualifications prescribed for the post of Tally Clerks is evidenced by the Recruitment Rules, 1964, produced as Annexure P-I. It is further stated in paragraph 6(x) that the Tally Clerks working in the Delhi Milk Scheme require specialised skills and that they have during the course of the years acquired specialised skills and expertise which is demonstrated by the fact that they are often posted in the Administration, Accounts and Stores/Sections where they prepare and maintain Provident Fund Records, stock registers, inventories, tabulated statements etc.

It is in this background they have asserted that they should be equated with the Lower Division Clerks in the matter of pay scales. They have also compared them with the

Material Clerks employed in the Indian Railways, who, according to them, were drawing the pay scale of Rs.105-135 (same as that of Tally Clerks) and Rs.110-180 respectively. It is stated that the Railway Board in the light of the observations of the IVth Pay Commission after review the work of Material Clerks and Material Checkers, categorised and upgraded 50% of posts of Material Checkers to Material Clerks and the balance 50% Material Checkers were assigned the pay-scale of Rs.225-350 which has since been revised to Rs.950-1400. It is further averred that in the Delhi Milk Scheme, 25% of vacancies of Lower Division Clerks were reserved for being filled up by promotion from Tally Clerks which quota has since been enhanced to 40% in 1985.

2. The respondents have denied the claim of the petitioners for according of the pay scale of Rs.950-1500. They have asserted that the petitioners cannot be compared with the skilled workers or with the Lower Division Clerks. That the Tally Clerks cannot be compared with the Lower Division Clerks receives support from two factors, firstly, the minimum qualification for recruitment to the post of Tally Clerks is only Middle Standard pass whereas for the post of Lower Division Clerks it is matriculation or equivalent. Another distinguishing factor is that the post of Lower Division Clerk is the promotional cadre for the Tally Clerks. Having regard to these circumstances and in the absence of any satisfactory materials placed before us in support of their case, it is not possible

to invoke the principle of equal pay for equal work.

The petition fails and is, therefore, dismissed. No costs.

B.N. DHOUNDIYAL

(B.N. DHOUNDIYAL)
MEMBER(A)



(V.S. MALIMATH)
CHAIRMAN

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