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GENERAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 170/88

DECIDED ON : 01.6.1993

THE ALL INDIA CENSUS EMPLOYEES
FEDERATION & ORS.

PETITIONERS

VS.

UNION OF INDIA & ANR.

RESPONDENTS

CORAM :

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

Shri Pankaj Kalra with Shri M. N. Popli, Counsel
for the Petitioners
Shri P. P. Khurana, Counsel for the Respondents

JUDGMENT (ORAL)

Hon'ble Mr. Justice V. S. Malimath, Chairman :

This case has been filed by the All India Census Employees Federation and Shri O. P. Sharma and Shri M. M. Samuel. The principal claim of the petitioners in this case is to grant the ~~Computors~~ working in the office of the Registrar General of India the same scale of pay of Rs.380-640 as was granted to the Investigators of the National Sample Survey Organisation and the UDCs of the National Tuberculosis Institute, Bangalore. This relief is claimed invoking the principle of equal-pay-for-equal-work. The petitioners have pleaded that the Investigators, to start with, were in a scale lower than the petitioners and have in due course been able to secure the scale of Rs.380-640 w.e.f. 1.1.1973 whereas the petitioners have been in the scale of Rs.330-560. Similarly, it was pointed out that the UDCs also have been able to steal the march over them by securing the higher scale of pay of Rs.380-640 w.e.f. 1.1.1973. The

Investigators were able to secure this relief by obtaining an award under the Joint Consultative Machinery Scheme whereas the UDCs were able to get such relief by invoking the jurisdiction of the Karnataka High Court. So far as the petitioners are concerned, they have approached the Tribunal complaining that their efforts to activate the machinery of the Joint Consultative Machinery Scheme have not yielded any result. The petitioners have pleaded that having regard to the comparison of the duties and responsibilities exercised by the Compurots with those of the Investigators of the National Sample Survey Organisation and of the UDCs of the National Tuberculosis Institute, Bangalore, it would be possible to demonstrate that the Compurots are at any rate not in any way inferior to the Investigators on the one hand and the UDCs on the other. It is, therefore, their claim that they should be treated at par with the Investigators and UDCs in the matter of granting same pay scale as enjoyed by them. The respondents have, however, taken the stand that the comparative assessment of the duties and responsibilities would show that the Compurots do not compare favourably with the Investigators and UDCs. The Supreme Court has pointed in the case of State of U.P. & Ors. vs. J. P. Chaurasia & Ors. (AIR 1989 SC 19) that it is an expert body which should be more competent to take an appropriate decision on comparative evaluation of the duties, functions and responsibilities of different categories of posts for the purpose of invoking the principle of equal-pay-for-equal-work.

2. We find so far as the present case is concerned, there is already a scheme provided for resolving the disputes of this nature. The scheme has been produced as Annexure R-2 entitled "Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government Employees". The scheme is a comprehensive one and provides for resolving the disputes by negotiation between the members of the staff on the one hand and the representatives of the employer on the other. If at the lowest level, the agreement is not reached, the matter is required to go to the departmental council or the national council and if no agreement is reached before the said council also, the matter has to be referred to for compulsory arbitration. The award of the arbitrators normally would be binding on the Government unless it is superseded or modified by the Parliament. Clause 16 of the scheme shows that ~~the~~ compulsory arbitration is permissible in respect of pay and allowances, weekly hours of work and leave of a class or grade of employees. We have, therefore, no hesitation in taking the view that the claim of the petitioners for grant of same scale of pay as accorded to the Investigators and UDCs is a matter which can be examined under the said scheme and in the event of there being final disagreement between the contesting parties the matter can be referred to the Board of Arbitration appointed by the Government in this behalf. We find from the records placed before us that the provisions of the scheme were invoked and both the contesting parties were heard by the additional office council which ultimately recorded disagreement as is clear from Annexure R-3(iii) on 2.7.1985. In the normal course in accordance with the scheme, the matter should have

then gone before the departmental council and if disagreement was recorded by the said council also, the matter had to be placed before the Board of Arbitration. As the preliminary steps for invoking the remedy provided in the scheme have been taken, the concerned authorities should have pursued the matter in accordance with the scheme. As the machinery provided by the scheme is adequate and satisfactory and also yielded good results in favour of the Investigators and UDCs, we see no reason as to why we should not call upon the parties to work out their rights in accordance with the said scheme. As some steps have already been taken under the said scheme, further steps should also be taken in continuation of the same. The disagreement having been recorded at the meeting of the additional office council on 2.7.1985, the matter has now to be placed before the departmental council. As this matter has been pending for a long time it is but proper that we should direct the completion of the process by the departmental council within a limited time. In our opinion, relegating the parties to the remedy provided by the scheme is the just and reasonable course to be adopted in this case.

3. For the reasons stated above, this OA is disposed of with the following directions :-

(1) The respondents shall on the basis of the minutes of the meeting of additional office council held on 2.7.1985 recording disagreement in regard to according of proper scale of pay to the Computers on par with the Investigators place the matter immediately before the departmental council of the

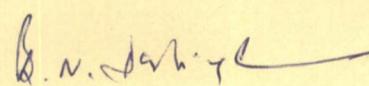
Department of Personnel & Training. Action to place the matter before the departmental council shall be taken within a period of two months from the date of receipt of this order.

(2) The departmental council shall complete the negotiations and take a final decision in the matter within a period of four months from the date the matter is placed before the council.

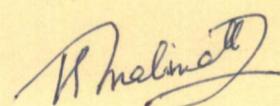
(3) In the event of the departmental council also recording disagreement, it shall take immediate steps for placing the matter for compulsory arbitration before the Board of Arbitration which shall be constituted expeditiously by the Government. In the event of the matter being placed for compulsory arbitration, the Board of Arbitration shall dispose of the matter with utmost expedition.

4. Before concluding, we would like to say that the petitioners' grievance, if any, in regard to the subsequent revision on par with the Investigators and UDCs, may also be considered.

Let a copy of this order be sent to the respondents forthwith.



(B. N. Dhoundiyal)
Member (A)



(V. S. Malimath)
Chairman