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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 660/88

Date of decision: 27.08.1993.

Shri Ashok Kumar & Others

...Petitioners

Versus

Union of India through the
Secretary, Ministry of
Home Affairs & Others

...Respondents

Coram:- The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioners Shri Shankar Raju, Counsel.

For the respondents Shri B.R. Prashar, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

We have heard Shri Shankar Raju and Shri B.R. Prashar, learned counsel for the petitioners and the respondents respectively. There are five petitioners before us viz. S/Shri Ashok Kumar, Banarsi Dass, Satender Prasad, Paramjeet Singh and Surjit Singh. Their grievance is that they were placed in the pay scale of Rs.210-290 for the semi skilled category while the carpenters in P.W.D. and other departments of the Delhi Administration were allotted the pay scale of Rs.260-350 in accordance with the recommendations of the Third Central Pay Commission. They are also aggrieved by the order dated 29.6.1987 passed by the Deputy Commissioner of Police (DCP) which has been impugned in this O.A. By way relief the petitioners have prayed that the respondents be directed to fix the pay scale of the petitioners as Rs.260-350 now revised to Rs.950-1500 by the Fourth Central Pay Commission at par with the carpenters of P.W.D. (Delhi Administration) and other departments of the Delhi Administration. It

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is further prayed that they should be placed at par with the ranked carpenters (Head Constables) in the motor transport section of the Delhi Police. They have also claimed arrears of pay from the date the recommendations of the Fourth Central Pay Commissioner were given effect to. Alternatively their claim is that the respondents be directed to consider immediately the matter of refixation and revision of pay scale of the petitioners in the pay scale of Rs.950-1500 at least at par with the pay scale of similarly situated carpenters.

2. Shri Shankar Raju, the learned counsel for the petitioners argued that the petitioners are skilled artisans and they are entitled to a scale of pay commensurate with their skill. The pay scale of the skilled category was fixed by the Third Pay Commission as Rs.260-350 and the petitioners should have been allotted the same scale of pay. The learned counsel further submitted that the civilian carpenters in the Delhi Police are called upon to repair old broken furniture, fabricate waste paper baskets and foot rests etc. They also attend to urgent and immediate demands regarding repair of furniture, wooden cots and kit boxes etc. The duties of the carpenters in the Delhi Police are more arduous than those of their counterparts in other departments. They are also called upon to perform duties during odd hours and even on holidays and Sundays. It was further submitted that the only reason that the Third Pay Commission did not allot the skilled grade of Rs.260-350 to the carpenters in the Delhi Police is that certain additional facilities are available to them which are not

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admissible in other departments. He, however, submitted that no additional facilities are being provided to the petitioners. In support he drew our attention to the DCP, Headquarters letter dated 9.11.1981 (page 46 of the paperbook), according to which the carpenters in the Delhi Police are not getting any additional benefit. A careful perusal of the ^{said} letter, however, shows that the submissions made by the learned counsel are not supported by the statement made by the DCP in the said letter addressed to the Joint Secretary (Home), Delhi Administration. The learned counsel further submitted that in case the Tribunal does not find it feasible to issue a mandamus to the respondents to grant the scale of pay to the civilian carpenters in the Delhi Police, which is applicable to the skilled categories, a direction may be given to the respondents to refer the case of the petitioners to an expert body so that they are compensated in accordance with their skills.

3. Shri B.R. Prashar, learned counsel for the respondents on the other hand drew our attention to the decision of the Tribunal in OA-272/88 Laboratory Workshop Attendant Association & Ors. v. Union of India & Ors decided on 7.7.1993 where we have taken the view that the equation of posts, evaluation of jobs and allocation of pay scale is the business of expert bodies like the Pay Commission. Once the Pay Commission or Expert Body has after considering the duties and responsibilities of the various posts recommended, the scales of pay commensurate with the job contents, it is not for the Tribunal to go into that matter again. These matters are best left to the Expert Bodies.

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4. We have considered the submissions made by the learned counsel for both the parties. We find that the petitioners were initially fixed in the pay scale of Rs.85-110 recommended by the Second Pay Commission whereas their counter-parts in other organisations were given the pay scale of Rs.110-118 or Rs.125-155 or Rs.110-1125. Thereafter the Third Central Pay Commission undertook a detailed review of the scales of pay of the various categories of the Government employees and made its recommendations which came into force from 1.1.1973. On the basis of the recommendations of the Third Pay Commission the civilian carpenters in the Delhi Police were allotted the scale of pay as for semi skilled category viz.Rs.210-290 and not the scale of pay for skilled category which was fixed as Rs.260-350/400. From the letter dated 29.6.1987 (page 41 of the paperbook) impugned herein we further observe that the Home department had submitted a memorandum to the Fourth Central Pay Commission, giving detailed justification for the revision of scale of pay of carpenters in Delhi Police but the recommendations made therein were not accepted by the Fourth Central Pay Commission.

5. From the above facts of the case it is apparent that the case of the petitioners had been reviewed by the Second Pay Commission, Third Pay Commission and lastly by the Fourth Central Pay Commission. All the successive Pay Commissions have placed the carpenters in Delhi Police at a lower pedestal than the carpenters in other departments of the Delhi Administration. The Pay Commissions are expert bodies and have technical members apart from the fact that they are presided over by a serving/retired Judge of the Supreme Court. They also hold discussions

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with the unions/associations representing the workers and wherever necessary have the job evaluation done according to the latest methods available for the purpose. The job evaluation is particularly done in the case of artisan categories which comprehends the category of carpenters. In that view of the matter there is little justification for us to intervene. In K. Vasudevan Nair etc. etc. v. Union of India JT-1990


(4) SC 58 the Supreme Court dealt with somewhat similar matter. Their Lordships observed that the pay scale of the Section Officers in the Audit and Accounts department were kept at slightly lower level than the Section Officers in the Central Secretariat by the successive Pay Commissions. For instance the pay scale of the Section Officers in the Audit and Accounts departments was recommended to be revised by the Third Pay Commission from Rs.270-575 to Rs.500-900 whereas the pay scale of Section Officers in the Central Secretariat was recommended to be revised from Rs.350-900 to Rs.650-1200. After discussing the matter in detail their Lordships came to the conclusion that "pay revision by the Government was based on the recommendations of the Third Pay Commission which was an expert body. The extent of material and expertise before the Pay Commission is obvious from paragraph-22 Part-I of the report....."

17. The Pay Commission took into consideration the statement of Comptroller and Auditor General of India and all other material placed before it by the petitioners/appellants. We, therefore, see no force in this contention and reject the same." Identical views have been expressed by the Supreme Court in State of U.P. vs. J.P. Chaurasis AIR 1989 SC 19.

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6. In view of the above facts and circumstances of the case we are not inclined to interfere in the matter. The O.A. is accordingly dismissed. No costs. This, however, shall not preclude the respondents from having the case of the petitioners re-examined and job contents evaluated by an expert body, if so wished, ² having regard to the fact that they had made a detailed recommendation in favour of the petitioners to the Fourth Central Pay Commission.


(B.S. HEGDE)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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