

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

O.A.NO.74/88

Date of decision: 28.7.1993

Engineering Drawing Staff  
Association, CPWD.

.. Petitioners.

Versus

Union of India  
through  
The Secretary,  
Ministry of Housing and Works,  
New Delhi & Anr.

.. Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.  
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioner.

.. Shri V.S.R. Krishna,  
Counsel.

For the Respondents.

.. Shri P.H. Ramchandani,  
Sr. Counsel.

JUDGEMENT (ORAL)

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

This case has been filed by the Engineering Drawing Staff Association of the C.P.W.D. in which they have prayed for a direction to the respondents to grant them the pay scale of Rs.260-430 to the cadre of Ferro Printers in C.P.W.D. from 7th July, 1977, the date from which the Ferro Printers in the Bureau of Public Enterprises, Ministry of Finance have been given and maintain a parity in the grant of pay scales. They have prayed for consequential directions for arrears resulting from such fixation of pay in the equivalent grade of Rs.975-1540, which was recommended by the IVth Pay

Commission, for those in the pay scale of Rs.260-430 and for other consequential and incidental reliefs.

2. We are concerned in this case with the grievance of a particular category<sup>of</sup> employees of the C.P.W.D. described as Ferro Printers. They were in the pay scale of Rs.225-308. It is their case that Ferro Printers in other departments who were discharging similar duties, responsibilities and functions were in the pay scale of Rs.260-430. They invoked the principle of equal pay for equal work and sought a direction for granting the pay scale of Rs.260-430 as has been granted to Ferro Printers working in other departments. It is further their case that the pay scale of Rs.260-430 was revised to the pay scale of Rs.975-1540 on the recommendations of the IVth Pay Commission. They pray that the petitioners should be accorded the same pay scale as well. The petitioners who were in the pay scale of Rs.225-308 have now been accorded the pay scale of Rs.825-1200 consequent upon the recommendations of the IVth Pay Commission. The petitioners' case is that their functions, responsibilities and duties as Ferro Printers are similar to the functions, responsibilities and duties exercised by the Ferro Printers in all other departments. They have, therefore, asserted that there is no justification for according the lower pay scale to the Ferro Printers of C.P.W.D. and to accord higher pay scale to

other similarly situate working in other departments. In support of their case that their functions, duties and responsibilities are similar to the Ferro Printers in other departments they have relied upon the report of the Work Study produced as Annexure A-1. It is stated that for the purpose of redressing the grievance of the petitioners, after the 3rd Pay Commission's recommendations were received, a committee was constituted to make Work Study in respect of duties, functions and responsibilities of the Ferro Printers in various departments. Annexure A-1 is the copy of the Work Study Report. The Work Study Team had made an exhaustive study of the Ferro Printers working in the C.P.W.D. and the other departments, examined their responsibilities, functions and duties and the scales of pay given to them from time to time. Annexure A-3 is the comparative picture flowing from recruitment rules and the pay scale for the Ferro Printers granted in various ministries/ departments of the Government of India. It is clear from the report as also the comparative statement (Annexure A-3) that Ferro Printers in other departments have been given the higher scale of pay of Rs.260-430. The Ferro Printers working in the DGS&D (Ministry of Supply), Research, Design and Standard Organisation of the Railways, D.E.S.U., Bureau of Public Enterprises, Ministry of Finance, D.G.H.S., Ganga Basic Water Resources Organisation etc. have all been accorded the pay scale of Rs.260-430 whereas the Ferro Printers in C.P.W.D. have

been accorded the pay scale of Rs.225-308 consequent upon the recommendations of the 3rd Pay Commission. The petitioners' case is that IVth Pay Commission provided the replacement scale and did not examine the parity of pay-scale with Ferro Printers in other departments. The petitioners, however, have asserted in their petition that the duties, responsibilities and functions exercised by the Ferro Printers in the CPWD are similar to the duties, responsibilities and functions exercised by the Ferro Printers in other departments <sup>as</sup> /adverted to earlier. They, therefore, asserted that there is no justification for maintaining a lower scale of pay to the Ferro Printers of the C.P.W.D. It is, according to them, a discriminatory treatment meted out to them in violation of Articles 14 and 16 of the Constitution of India.

3. In reply, the respondents have stated that the Work Study Team was constituted in the Ministry of Urban Development to make work study of the Ferro Printers in C.P.W.D. and other departments for the purpose of deciding the question as to whether the Ferro Printers in C.P.W.D. deserve to be accorded the same scale of pay of Rs.260-430 given to the Ferro Printers in other departments. It is stated that the proposal of the Work Study Team is in favour of the Ferro Printers of the C.P.W.D. It is further stated that that proposal was examined and the Finance Division of the Ministry recommended the same to

the Ministry of Finance. The matter was examined at great length on more than one occasion but the proposal did not receive the approval of the Ministry of Finance. It is further stated that at a later stage, in the meeting of the Screening Committee of the Departmental Council (JCM) held in June, 1984, it was decided that the case may be referred to the Ministry of Finance again. On this occasion, the Ministry of Finance instead of taking a decision on the matter, advised that the matter may be referred to the IVth Pay Commission. It is further stated that the case was referred to the IVth Pay Commission, duly inviting their attention to the recommendations of the Work Study Team and the pay scales applicable in other organisations. They have further adverted to paras 11.16 and 11.17 of the IVth Pay Commission Report on the Ferro Printers. Copy of the same is annexed as Annexure R-1. The same may be extracted as follows:

\*Engineering Staff

II.16. At present there are about 1500 posts of Ferro Printers spread over 20 ministries/departments in 10 scales of pay. The Third Pay Commission had recommended the following five scales of pay for this category:-

Rs.185-220 (modified Rs.196-232).

Rs.200-280 (modified Rs.210-290).

Rs.225-308

Rs.260-430

Rs.330-480

Most of the employees are in the Ministry of Defence and Department of Railways.

II.17. In chapter 8 we have broadbanded several scales and proposed new scales. The new scales

indicated there may be adopted for this category of employees also. In future the cadre structure for this category should be so regulated that employees belonging to this category are fitted into the following scales.

1. Rs.750-940 - By transfer.
2. Rs.800-1150 - 50% by promotion.
3. Rs.825-1200 - 50% per cent with qualifications as semi-skilled. ITI qualified.
4. Rs.825-1200 - By promotion.
5. Rs.975-1540 - By promotion."

On a perusal of Annexure R-1, it becomes clear that the IVth Pay Commission only prescribed the replacement scale from the corresponding scale enjoyed by the Ferro Printers on the basis of the 3rd Pay Commission. The stand taken in the reply is that the Ferro Printers in various departments/ministries have different nature of work and the same cannot be stated to be similar without job evaluation. As regards the recommendations of the Work Study Team, the stand taken in the reply is that they were not obliged to furnish the copy of the same to the petitioners. It is further stated that the recommendations of Work Study Team are not binding on the Government. As regard the averments of the petitioners that the duties and responsibilities of employees holding similar posts in the Ministry of Finance have been accorded the pay scale of Rs.260-430 without any justification, the stand taken is that it is only the persons who were designated as Tracer-cum-Ferro Printers the higher pay scale of Rs.260-430.

has been accorded. It is further asserted that the duties of the said post differ from the Ferro Printers in the C.P.W.D. We are inclined to accept the contention of Shri Ramchandani, learned counsel for the respondents, that the Tracer-cum-Ferro Printers in the Ministry of Finance cannot be compared with the Ferro Printers of the C.P.W.D. But so far as the Ferro Printers in other departments who have been accorded the higher scale of pay of Rs.975-1540 are concerned, the contention of Shri Ramchandani is that it is based on the recommendations of an expert body like the IVth Pay Commission and can not be faulted. It is urged that it is not proper for the Tribunal to examine the matter to take a different view from the one taken by the IVth Pay Commission. Time and again the Supreme Court has emphasised that in regard to claims based on the principle of equal pay for equal work, it is not easy for Courts and Tribunals to make proper evaluation and that the matter should be left for being decided by an expert body like the Pay Commission. It is also a well settled law that if an expert body like the Pay Commission has taken a decision in regard to such matters, the Courts/Tribunals should ordinarily not interfere with the assessment made by such an expert body. It is bearing in mind these salutary principles,

we shall now examine the rival contention in this case.

4. So far as the contention that the IVth Pay Commission having examined this issue, we should be guided by the said decision is concerned, the contention of Shri Krishna, learned counsel for the petitioners, is that there is nothing to indicate that the IVth Pay Commission has taken a decision in this matter. It is no doubt true that the respondents have stated in the reply that as suggested by the Ministry of Finance, the case of the petitioners for parity of scale of pay was placed before the IVth Pay Commission along with the report of the Work Study Team. There is no good reason not to believe the version of the respondents that they did place the relevant material inviting the attention of the IVth Pay Commission. But then there is nothing to indicate in the IVth Pay Commission Report that the claim of the Ferro Printers of the C.P.W.D. and others similarly situate for grant of the same scale of pay as accorded to Ferro Printers in other departments was examined. Shri Ramchandani was not in a position to draw our attention to any statement in the IVth Pay Commission Report about the claim for parity of scale of pay by the C.P.W.D. The only discussion to which our attention was drawn is to Chapter 11.16 and 11.17, which we have extracted above. A bare perusal of the extract of the report makes it clear that



the IVth Pay Commission has not expressed any opinion one way or the other in regard to the claim of Ferro Printers for parity of pay scale with Ferro Printers of other departments who are enjoying the benefit of higher scale of pay. The report only indicates that it has provided only replacement scales of pay for those scales fixed on the recommendations of the 3rd Pay Commission. There is no other material pressed into service by the respondents to satisfy us that this issue was examined and a decision taken by the IVth Pay Commission one way or the other. The circumstances in this case are tell tale and indicate that the IVth Pay Commission did not really examine the issue which has been pressed before us. It is interesting to note that a Study Group having undertaken the work study of Ferro Printers in all the departments, has come to the conclusion that the Ferro Printers in the C.P.W.D. discharge duties, responsibilities and functions similar to the Ferro Printers in other departments who are enjoying higher scale of pay. It is not that the Department disagreed with the opinion or that it was inclined to take a different view. On the contrary the reply makes it clear that the Department accepted the report of the Work Study Team and recommended higher scale of pay. Therefore the department placed the matter before the Finance Ministry. It is the Ministry of Finance who turned down the request of the petitioners.

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We are not told the reasons as to why the claim of the petitioners was rejected. What is interesting to note is that in the year 1984 the matter was once again examined and the Screening Committee thought it proper to reiterate its proposal for grant of parity of pay scale to the Ferro Printers in the C.P.W.D. once again for consideration of Ministry of Finance. Thus, it is obvious, a second attempt was made by the department to press for parity of pay scale for the Ferro Printers in C.P.W.D. On the second occasion, the Finance Ministry instead of taking a decision one way or the other thought it proper to say that the matter may now be placed before the IVth Pay Commission. In the reply, it is stated that accordingly the matter was placed before the IVth Pay Commission forwarding a copy of the report of the Work Study Team. In other words, the material was placed before the IV Pay Commission in support of the claim of the petitioners for parity of pay scale. Thus, before the IVth Pay Commission, there was sufficient material to take a decision for grant of parity of pay scale. This is a case in which it can reasonably be inferred that the petitioners were supported by the department for parity of pay-scale and placed the report of the Work Study Team before the IVth Pay Commission to persuade it to accord parity of pay scale to the Ferro Printers in C.P.W.D. In a situation like this, one would expect expression of opinion by the IVth Pay Commission in its report. Having regard to

the circumstances, we are inclined to take the view that there is no decision by the IVth Pay Commission rejecting the claim of the Ferro Printers of the C.P.W.D. for parity of pay-scale. Hence, it is not possible to accede to the contention of Shri P.H. Ramchandani, learned counsel for the respondents, that an expert body like the IVth Pay Commission having rejected the claim for parity of pay-scale, we should not interfere in this case.

5. From what we have stated above, it is clear that no decision as such has been taken finally either by the Government or by the IVth Pay Commission rejecting the claim for parity of pay scale after taking into consideration all the relevant material including the report of the Work Study Team. The petitioners have asserted in the application before us that the duties, responsibilities and functions of the Ferro Printers are on par with the Ferro Printers of the other departments. There is only a general denial. It is not all stated what difference there is. On the contrary, the report of the Work Study Team which has gone into this question in an objective manner has made a report supporting the claim of the petitioners. This is a case where we are not required to embark upon a comparative evaluation of the duties, responsibilities and functions of the Ferro Printers of C.P.W.D. with those in other departments. That task

has already been undertaken by the Work Study Team which has given its reasoned report. The material placed before us also indicates that the Department was inclined to accept the report. It was only the Ministry of Finance who turned down the proposal for parity of pay scale without assigning any reasons for not accepting the report and the recommendations. We have, therefore, no hesitation in holding that no further examination called for as such examination has already been made by an expert body like the Work Study Team. The petitioners have thus, established that the duties, responsibilities and functions of the Ferro Printers of C.P.W.D. are similar to the duties, responsibilities and functions of the Ferro Printers in other departments. Hence they cannot be discriminated against. As those who were in the pay scale of Rs.260-430 have been accorded the pay scale of Rs.975-1540 on the recommendations of the IVth Pay Commission, it is obvious that the Ferro Printers of the C.P.W.D. would be entitled to the higher scale of pay of Rs.975-1540.

6. Having regard to the long lapse of time and the circumstances, we consider it just and proper to limit the relief in favour of the petitioners from the date of the filing of this application, namely, 1.1.1988.

7. For the reasons stated above, this petition is allowed and the respondents are hereby directed to accord to the Ferro Printers of the C.P.W.D. the scale of Rs.975-1540 w.e.f. 1.1.1988. The arrears due on that basis shall be worked out and given to those who are eligible for the same within a period of four months from the date of receipt of a copy of this judgement.

No costs.

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER (A)

*V.S. Malimath*  
(V.S. MALIMATH)  
CHAIRMAN

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