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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
PRINCIPAL BENCH: NEW DELHI.

REGN. No. O.A. 760/88

Date of Decision:- 27.3.89.

Shri Puran Chand & Others

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Applicants

Vs.

Union of India & Others

....

Respondents

CORAM:-

Hon'ble Shri B.C. Mathur, Vice Chairman

Present:

For the applicant

.....

In person

For the respondents

.....

Sh. P.P. Khurana,
Advocate

This is an application under Section 19 of the Administrative Tribunals Act, filed by the applicants against the fixation of their salary. In earlier O.A No. 199/87 decided on 2.12.1987 this matter was thoroughly examined and it was felt that it was very difficult for the Court to decide whether the duties performed by various persons in the Government on the *seemingly* analogous posts are of same nature and it was directed that it was for the Government to re-examine and decide this matter. The relevant para of the judgement is as follows:-

" The question to examine is whether the Office Superintendent in the CBI on their promotion from the post of Crime Assistant have a right to a guaranteed minimum pay of Rs. 710 (pre-revised) instead of Rs. 650 (pre-revised). The point to examine is whether the responsibilities and workload in the two organisations, namely, the Central Secretariat and the CBI are identical. Since the pay scales in the two organisations are the

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same, the possibilities are that the responsibilities would also be of similar nature. It has been argued by the respondents that in the CBI it is a matter of promotion only, whereas in the CSS some posts are filled up by direct recruitment. It is possible that the minimum pay of Rs. 710.00 to CSS Officers on promotion is given so that they may get at least some benefit. In the case of persons who may be promoted on the basis of a limited departmental examination, there can be a substantial jump if they are given the minimum of the higher grade. Prima facie, there seems to be a case that officers of the CBI promoted to the grade of Office Superintendents should be treated at par with their counterparts specially as till recently, the posts of Office Superintendents in the CBI were held by the CSS officers and they were paid the minimum salary of Rs. 710.00. However, it is very difficult for a court to decide the duties and responsibilities of persons working in different organisations. The respondents may, however, re-examine the whole case to consider whether the Office Superintendents in the CBI should be treated at par with their counterparts in IB, ITBP, DGS and the same emoluments are provided to them. This is a policy matter and Government are in the best position to examine it. The respondents may examine whether the Office Superintendents on their promotion from the post of Crime Assistants should be treated at par with their counterparts in the IB, ITBP, DGS within a period of three months from now. With this direction, the application is dismissed. "

2. The case was re-examined both in the Ministries of Personnel and Finance. It has been stated in the office noting at page 35 of file NO. 230/3/87-AVO.II by the Department of Personnel that they themselves have recommended grant of same pay scale to the applicants and they confirmed that the proposal of the Ministry of Finance had all along been the parity in duties and responsibilities of the applicants with those in the C.S.S. The relevant portion from page 36 of the file is as follows:-

" It would be seen that we have been supporting the proposal for allowing the stage of Rs. 710 for the Office Superintendent

in the pre-revised scale of Rs. 650-1200. The Crime Assistants promoted as such on the analogy of the guaranteed minimum of Rs. 710 admissible to the Assistants of CSS promoted as Section Officers and which benefit was also extended to their counter-parts in the IB, ITBP, DGS. However, the Ministry of Finance is not agreeable to this suggestion inter-alia on the ground that CAT have dismissed the petition praying for this concession to the applicants. Finance Ministry's stand seems to be rather inconsistent to the extent ^{are not agreeing to our suggestion on the other} they that while on the one hand they say that the operative part of the judgement of the CAT is for Ministry of Home Affairs to consider in consultation with the Department of P&T. They have left the operative part of the judgement to be considered at this end. Incidentally, they are not clear about the fact whether the nodal Ministry in this case is the Ministry of Home Affairs or the Ministry of Personnel, Public Grievances and Pension.

As far as the question of treating the Office Superintendents in the CBI at par with their counter-parts in IB, ITBP, DGS is concerned, it is common knowledge that the duties of office Superintendents and Section Officers are the same almost in all organisations particularly in IB, ITBP, DGS and CBI, since all these organisations are security organisations. Therefore, on all fours the suggestion for allowing the above mentioned concession to the Crime Assistants of CBI on their promotion appears justified. The suggestion is also in line with the principle of equal pay for equal work upheld by the Supreme Court in several cases. We also feel that in case the applicant moves the Supreme Court, he is likely to win his point. Therefore, Finance Ministry may be requested to re-consider their stand and agree to the proposed concession for the sake of parity with counter-parts of CBI Crime Assistants in other organisations as aforesaid. The proposal if agreed, may be limited to only those cases

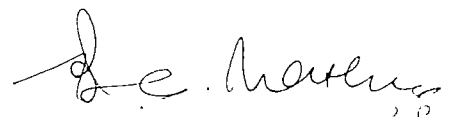
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where the employee concerned is still in service as on 31st December, 1985 without the benefit of any arrears on that account."

3. The Ministry of Finance have not agreed with the recommendation of the Department of Personnel without explaining as to show the work done by the Crime Assistants in the C.B.I. on their promotion as Office Superintendents is of lower category or responsibility. From the noting ⁱⁿ ~~from~~ the file of Ministry of Personnel, it is quite clear that the Ministry of Personnel have reached the conclusion that there is a parity between the duties and responsibilities of the applicants with those of the Assistants and Section Officers in the CSS and as such they should be entitled to "equal pay for equal work". They should be entitled to the same facilities. The Supreme Court has already held that "equal pay should be paid for equal work".

4. In the circumstances, the application is allowed and the respondents are directed to re-fix the salary of the applicants in the light of the above order and pay them all the arrears within three months from the date of receipt of the order. There will be no order as to costs.

Dated:- 27.3.89.


(B.C. MATHUR)
VICE CHAIRMAN