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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI

Regn. No. OA 234/86

Date of Decision: 2.9.87

Shri Vishnu Datt Sharma Applicant

Ms. Sunanda Roy Advocate for applicant

Versus

Union of India Respondents
(Through the Secretary,
Ministry of Defence,
Government of India,
South Block, New Delhi.)

The Director, R.V.C. Corps
R.K.Puram, Sector 4,
New Delhi.

The Controller of Accounts
Central Command(Pay Section)
Meerut.

The Commandant,
Equine Breeding Stud,
Babugarh, Ghaziabad.

Shri K.C.Mittal Advocate for respondents

CORAM: Hon'ble Shri B.C.Mathur .. Vice Chairman

This is an application under Section 19 of the Administrative Tribunals Act, 1985 against the wrong fixation of pay scale of the applicant. The brief facts of the case are that the applicant is a technically qualified person from Government Institute, Lucknow and was appointed as a blacksmith in the year 1952 by respondent no. 1 and was posted in Station Workshop at Kanpur and later transferred to Regiment of Veterinary Corps Centre at Meerut during the same year. Subsequently, the applicant was transferred to Equine Breeding Stud, Babugarh on 25.8.1966. The applicant had been promoted as Assistant Foreman in 1965. The case of the applicant is that there are various types of non-defence requirements of the armed forces which come under the Ministry of Defence. The Regiment of Veterinary Corps is one of these regiments

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assigned the job of maintaining and repairing equipment and machinery required for agricultural and other related veterinary purposes. It is a small establishment and the staff includes fitters, welders, blacksmiths, carpenters, mechanics etc., and their work is supervised by the Assistant Foreman. The applicant is the only Foreman in the RVC. The duties of civilian supervisors employed by the Ministry of Defence for the Army, Navy and Air Force have been enumerated by the Ministry of Defence in its circular no. General GN/C-400/No.1 titled Electrical and Mechanical Regulation(India). The pay scales of various categories of supervisory staff have been shown in this circular at Appendix B. The circular has been attached to the application as Annexure P-1. The case of the applicant is that he has been supervising the work of carpenters, blacksmiths, etc. just as other supervisors in different army workshops. This has been stated in the letter dated 12.12.83 issued by the Deputy Commandant of the Equine Breeding Stud, Babugarh, Ghaziabad (Annexure P-2). It has also been brought out that the middle supervisory level has been classified as chargeman and the minimum scale of this grade has been given as Rs. 380-560. The next scale recommended by the III Pay Commission was for Senior Chargeman/Assistant Foreman which stands in between the scale of Foreman and Chargeman and a scale of Rs. 425-700 was recommended for ordnance services. It has been brought out by the applicant that workers like carpenters, blacksmiths, welders, turners, etc., have been brought under a three grade structure by the Expert Classification Committee whose report has been implemented in almost all defence establishments as published in the Ministry of Defence letter no. 1(1)/80/D(E.C.C./IC) Volume III dated 8th April, 1986 which has classified the scales for workmen as under:

- (1) Rs. 260-400
- (2) Rs. 330-480
- (3) Rs. 380-560

The applicant supervises the work of these workmen and yet he, as Assistant Foreman was allowed only the scale of Rs. 380-480 prescribed for supervisors non-technical and is lower than a workman under the scale of Rs. 380-560.

According to the applicant, he is not a supervisor non-technical but an Assistant Foreman. The III Pay Commission had accepted the fact that the duties of supervisory staff in Defence Services are identical to those of the other departments. It has been argued on behalf of the applicant that the action of the respondents 1 to 4 in fixing his scale of pay at Rs. 380-480 is ultra vires and violative of Article 14 and 39(d) of the Constitution of India and he is entitled to a pay scale of Rs. 700-900 as admissible to Assistant Foremen under the Director General of Ordnance Factories. It has been argued that in any case, the scale of pay of the applicant cannot be less than what is being given to the Senior Chargemen in the various establishments of the Defence Services. The scale of pay of a Senior Chargeman in D.G.O.F. is fixed at Rs. 550-700.

2. The respondents, in their reply, have accepted that the applicant is technically qualified from Government Institute, Lucknow, but his pay has been fixed as Assistant Foreman in RVC establishment which is not comparable to other establishments. In fact, in the other defence establishments like Ordnance Services, E.M.E., Naval Headquarters, there is no post of Assistant Foreman. This is a solitary post in the RVC which is a very small establishment. It has been stated that Annexure P-2 of the application is only a recommendation from the Deputy Commandant of the Equine Breeding Stud for allowing the applicant a higher salary but this is not an authentic document regarding payscales. The prescribed payscale for Assistant Foreman in RVC establishment is Rs. 380-480 which the applicant has been drawing.

3. According to the learned counsel for the respondents, there is no case to allow higher scale of pay to the applicant on the ground that the applicant holds an isolated post which is not comparable to others. The principle of equal pay for equal work does not, therefore apply.

4. While it may be difficult to establish that the functions and duties of Assistant Foreman would be the same as in other defence organisations, it cannot be equated with Assistant Foreman in DGOF. Generally, the payscales in DGOF are higher for the corresponding posts in Ordnance Services, E.M.E., and Naval Headquarters. For example, in the case of chargeman, while the scale in DGOF is Rs. 425-700 for Grade II and Rs. 550-750 for Grade I, the corresponding scale in Ordnance Services is Rs. 380-560 for chargeman and Rs. 425-700 for Senior Chargeman. Similar lower scales are applicable in the case of E.M.E. and Naval Headquarters. However, there can be no doubt that an Assistant Foreman is a position between Chargeman and Foreman and it does not appear correct to allow the applicant the the payscale of Rs. 330-480 which is even lower than that of a chargeman in other establishments and is lower than some of the workers who under the three grade structure recommended by the Expert Classification Committee would get a scale of Rs. 380-560. There is, therefore a clear case that the applicant should have been allowed the scale of atleast Rs. 380-560 or what is applicable to Senior Chargeman, viz., Rs. 425-700. The pay scale can however, be decided only on the basis of the duties and responsibilities for different supervisory posts. The respondents are directed to re-examine the case of the applicant and allow him appropriate pay scale taking into consideration the

recommendations of the Expert Classification Committee and the III and IV Pay Commissions. The revised pay scale should be decided within a period of 3 months from the receipt of this order by the respondents. There will be no order as to costs.



(B.C.Mathur)
Vice Chairman