

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI

OA 1267/87

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Date of decision: 7-1-93.

Indian Railway Ticket Checking
Staff Association

...Petitioners

Versus

Union of India and Another

...Respondents

CORAM:

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

For the petitioners

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...Shri S.K.Bisaria,
Counsel

For the respondents

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...Shri A.K.Behra,
proxy counsel for
Sh. P.H.Ramchandani,
Sr. Counsel.

JUDGMENT (ORAL)

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

The petitioners in this case are the Indian Railway Ticket Checking Staff Association through the President of the Indian Railway Ticket Checking Staff Association, Northern Railway and the Secretary General, Howrah Junction, Eastern Railway. They have in this petition prayed for a direction to the respondents for the grant of running allowance and providing of running room facility to the class of employees in the Railways known as Travelling Ticket Examiners. The claim is based on Article 14 on the ground that they are entitled to equal pay for equal work. So far as the principle of law is concerned, it is well settled that equal pay for

equal work is a principle which flows from Article 14 of the Constitution. It is equally well settled that the claim for equal pay for equal work can be accepted only when it is established that the duties, functions and responsibilities are the same between the two categories of posts carrying different scales of pay. It is well settled that in matters pertaining to evaluation of duties, functions and responsibilities, the courts are not well equipped and it is a function which can more satisfactorily be performed by experts in the field. Pay Commissions have been regarded and accepted as experts in this behalf, and the Supreme Court has pointed out that when such an expert body evaluates the duties and functions, the court should not lightly interfere with such evaluation by such a body. Bearing these aspects in mind, we shall now proceed to deal with the contentions of the petitioners.

2. It was pointed out to us that the staff functioning on the moving trains known as the running staff are entitled to running allowance as also the running room facilities. It is pointed out that the Travelling Ticket Examiners also function on the moving trains and perform important duties of earning revenue for the State and looking after the safety and welfare of the passengers. Whereas the Engine Drivers, the Guards etc. were regarded as members of the running staff, Travelling Ticket Examiners are not so regarded.

It is also necessary to note that whereas the members of the running staff are provided running allowance and running room facilities, the Travelling Ticket Examiners are provided with daily allowance and rest room facility. They are also accommodated in running rooms provided there is accommodation which can be given to them without prejudice to the claims of the members of the running staff. There is no dispute about these facts. It was contended by the learned counsel for the petitioners that there is no justification for not treating the Travelling Ticket Examiners on par with the members of the staff who are classified as running staff. The principal contention is that both these sets of employees perform their functions on moving trains. It was also maintained that Travelling Ticket Examiners also perform equally important functions. From the facts placed before us, the only factor which is common between two categories of staff is that all of them function on running trains. That all of them perform their functions on the running trains by itself does not justify the inference that their duties, functions and responsibilities are on par with the duties, functions and responsibilities of the members of the staff who are brought within the expression 'running staff'. It does not need ^{any} argument to convince us that the duties and responsibilities discharged by the Travelling Ticket Examiners are quite different from the nature of duties, functions and responsibilities performed by the

members of the running staff such as the Engine Drivers and the railway Guards. That they all perform their functions on the moving trains is not enough. We have to evaluate the duties and responsibilities performed by both the categories of staff. The members of the staff who perform their duties on the running trains and known as running staff perform duties which have a direct nexus with the movement of the train meaning thereby without their functioning properly, safe and satisfactory movement of the train is not at all possible. So far as the Travelling Ticket Examiners are concerned, their functions have no nexus with the movement of the train whatsoever. Trains can move satisfactorily whether or not there is Travelling Ticket Examiner on the train or whether he functions diligently or not. There is basic difference between the two categories of staff, namely, the Travelling Ticket Examiners on the one hand and the members of the running staff. The functions of the two categories are admittedly different. The classification is rational and has a nexus with the object. The authorities were, therefore, justified in according different treatment in the matter of granting allowance and facilities to the two categories of staff. It is not that no facility has been provided so far as Travelling Ticket Examiners are concerned. They are provided with daily allowance but not the running allowance as is provided to the running staff. There is no doubt that better facilities have been provided to the running staff, namely, running room facilities which includes the facility of messing as well.

So far as Travelling Ticket Examiners are concerned, they are

accommodated in the running room only when accommodation is available without detriment to the requirements of the members of the running staff. As the nature of duties, functions and responsibilities of the Travelling Ticket Examiners cannot be regarded as onerous as those of the members of the running staff, the administration is justified in providing emoluments and facilities not as good as ^{those} provided to the members of the running staff.

3. The question of parity in regard to these facilities has been subject matter of consideration before a judicial forum, before the Parliament and also before the Pay Commission. It has been stated in the reply filed in this case that the claim of the Travelling Ticket Examiners for these facilities was subject matter of consideration by the Board of Arbitration under the Joint Consultative Machinery, 1972 which gave its Award on 30-6-72 rejecting the demand of the ticket checking staff for treatment as "Running Staff" and payment of running allowance. The question was examined by the Parliament as is clear from the answers given to the questions asked in this behalf. The mass petition in this behalf was placed before the Lok Sabha Committee on Petitions which examined the matter carefully after taking oral evidence on 6-1-82. Ultimately, the Committee rejected the claim of the Travelling Ticket Examiners. The question was also examined by the IV Pay Commission. After careful examination, they also held that

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Travelling Ticket Examiners cannot be granted ^{the} same facilities as the running staff. It is thus clear that this question has been examined on more than one occasion and by three different high level forums and all of them have unanimously held that the claim of the Travelling Ticket Examiners for providing the same facilities as the running staff is not justified. We will not be justified in ignoring this valuable expert opinion on the subject. Looked at from any point of view, it is not possible to accede to the contention of the petitioners that the Travelling Ticket Examiners have been subjected to discrimination in the matter of granting running allowance and running room facilities. Hence, this petition fails and is dismissed. No costs.

S. R. Adiga
(S.R. ADIGA)
MEMBER (A)

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

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