

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No.1324  
T.A. No.

1987.

DATE OF DECISION September 18, 1987.

Shri B.K.Srivastava & Others ~~Petitioner~~ Applicants.

Shri E.X.Joseph, Advocate for the Petitioner(s)

Versus

The Union of India and Others, Respondents.

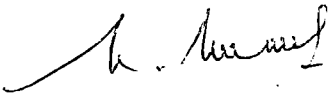
\_\_\_\_\_  
Advocate for the Respondent(s)

CORAM :


The Hon'ble Mr. Justice K.Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to other Benches? Yes

  
(Kaushal Kumar)  
Member

18.9.1987.

  
(K.Madhava Reddy)  
Chairman

18.9.1987.

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
DELHI.

REGN. NO. OA 1324/1987.

Eighteenth September, one thousand  
nine hundred and eighty-seven.

Shri B.K. Srivastava & Others ... Applicants.

Vs.

The Union of India and others ... Respondents.

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

For the applicants ...

Shri E.X. Joseph,  
Counsel.

(Judgment of the Bench delivered by  
Hon'ble Mr. Justice K. Madhava Reddy,  
Chairman).

We have heard the learned counsel for the applicants for quite some time. When we were not inclined to admit the application, he requested that the applicants wish to withdraw the same but we are not inclined to grant this request. Having pursued the matter, the applicants cannot be allowed to withdraw the application to take their chance by filing another application later. Having heard the matter and spent public time, it would be against public interest not to dispose off the matter in accordance with the view we have taken.

In this application the contention of the applicants is that the posts of the Company Prosecutors Gr. III in the Department of Company Affairs, Ministry of Industry and its field offices are equivalent to that of Assistant Public Prosecutors, C.B.I. so as to

merit equal pay with them on the principle<sup>of</sup> "equal pay for equal work". Their claim is that they are discharging identical responsibilities, functions and duties.

From the statement filed by the applicants themselves, it is clear that the qualifications prescribed for these two posts are different. While a Law Graduate with two years' minimum practice at Bar is eligible to be considered for the post of Company Prosecutor, for the post of Assistant Public Prosecutor, CBI, a person having less than 3 years' service is not eligible. Appointment for the post of Company Prosecutor Gr.III is made by the Staff Selection Commission while the UPSC selects an Assistant Prosecutor, CBI. The Company Prosecutors have limited responsibilities, functions and duties. Their appointment is by virtue of Section 624 A of the Companies Act, 1956 and they have to deal with contraventions of the provisions of only the Company Act. The duties, responsibilities and functions of the Asstt. Public Prosecutors, CBI are much wider and onerous. They have to deal not only with the cases arising ~~and~~ under the Indian Penal Code but have to deal with other economic offences also as per the provisions of the Cr.P.C. and other Central and States enactments. The pay scale of Company Prosecutor Gr.III is Rs.425-15-500-EB-15-560-20-700 (Pre-revised) while that of the Assistant Public

*Part*


Prosecutor is Rs.650-30-740-35-880-EB-40-960

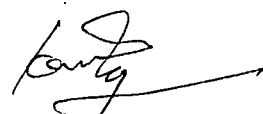
(Pre-revised). This difference in the pay scales ~~is~~ in the light of the nature of responsibilities, functions and duties which a Company Prosecutor Grade.III has to discharge as compared to the nature of responsibilities, functions and duties which an Assistant Public Prosecutor, CBI has to discharge is, in our opinion, fully justified. The contention that they are discharging the same responsibilities, functions and duties and, therefore, they should be allowed the same scale of pay does not merit acceptance.

It is contended that the Fourth Pay Commission did not consider this aspect at all and went only by the scales of pay and maintained the same difference while revising the pay scales. The difference in pay scales that has been in existence for several years without any objection, in our opinion, was quite justified. Obviously, the Fourth Pay Commission felt that the claim of the Company Prosecutors Gr.III for pay equal to that of Assistant Public Prosecutors, CBI was not justified and did not merit consideration separately. That by itself cannot be a valid ground for accepting the applicants' claim. Unless it is shown to the Court that the responsibilities, functions and duties of Company Prosecutor Gr. III are identical to that of the Assistant Public

Prosecutors, CBI, there would be no basis for their grievance that they are paid lesser emoluments than the Asstt. Public Prosecutors, CBI.

In view of the vast disparity in the responsibilities, functions and duties of these two categories of Prosecutors, in prescribing different pay scales, no question of violation of Arts. 14 and 16 of the Constitution arises. This application, therefore, fails and is accordingly dismissed.

  
(Kaushal Kumar)  
Member  
18.9.1987.

  
(K. Madhava Reddy)  
Chairman  
18.9.1987.