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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. No. 1526/90

New Delhi, dated the 31st Aug., 1994

CORAM

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial)

1. Shri Madan Lal Gautam,
Jr. PET Grade-II (D. Admn.)
R/o A-62, Chandra Nagar,
Ghaziabad (U.P.)
2. Shri D.K. Arya,
Jr. PET Grade-II (D. Admn.)
R/o 32/104, Vishwas Nagar,
Shahdara, Delhi-110032
3. Shri Ratan Sain Jain,
Jr. PET Grade-II (D. Admn.)
R/o 253-D, Bhole Nath Nagar,
Shahdara, Delhi-110032
4. Sh. Subey Singh,
Jr. PET Grade-II (Delhi Admn.)
R/o 3607, Gandhi Nagar, Delhi-31
5. Shri Mahendra Pal Kaushik,
Jr. PET (D. Admn.)
R/o 4/2936, Bhole Nath Nagar,
Shahdara, Delhi-32
6. Shri Girwar Singh Yadav,
Jr. PET Grade-II (D. Admn.)
R/o A-69, Jagatpuri, Gali No. 6,
Delhi-110051
7. Shri Kali Charan Tyagi
Jr. PET Grade-II (D. Admn.)
R/o 276-C, Chanakya Marg,
Chhajpur, Shahdara, Delhi-32
8. Shri Daya Chand,
Jr. PET Grade-II (D. Admn.)
R/o 2185, Chab Indara, Dr. H.C. Sen Road,
Delhi-110006
9. Shri G.D. Sachdeva,
Jr. PET Grade-II (D. Admn.)
R/o C-2/158, Janakpuri,
New Delhi-110058
10. Shri Jasbir Singh,
Jr. PET Grade-II (D. Admn.)
R/o Village & P.O. Lowakalan,
District-Rohtak (Haryana)
11. Shri Dalel Singh,
Jr. PET Grade-II (D. Admn.)
R/o Near Bus Stand, Village & P.O. Bawana,
Delhi-110039

12. Shri K.D. Gautam,
Jr.PET, Grade-II(D.Admin.)
R/o 143-A, Gupta Colony, Delhi-110009
13. Shri J.P.Govil,
Jr.PET, Grade-II
R/o E-252, Govt. Qrtts, Dev Nagar,
Karol Bagh, New Delhi-110005
14. Shri Ram Prakash Sharma,
Jr.PET Grade-II(D.Admin.)
R/o Sant Gali, Babarpur,
Shahdara, Delhi-32
15. Smt. Raj Chawla,
Jr.P.E.T. (D.Admin.)
R/o 42, Shanti Vihar, Delhi-32
16. Shri Hem Chand Sharma,
Jr.PET Grade-II(D.Admin.)
R/o C-5-A/146, Janakpuri,
New Delhi-110058.
17. Shri Bharat Singh Rana,
Jr.PET, Grade-II (D. Admin.)
R/o Village Nangli Poona,
P.O. Alipur, Delhi-110036

.... Applicants

(By Advocate Shri H.L.Srivastava)

V/s

1. The Director of Education, Delhi Admn.
Old Sectt., Delhi.
2. Union of India, through the Secy. to the
Govt. of India, Ministry of Human Resources
Development, Department of Youth Affairs, &
Sports Shastri Bhawan, New Delhi-1
3. The Delhi Admn, through its Chief Secy.,
5. Sham Nath Marg, Delhi-54
4. The Administrator of the Union Territory
of Delhi Lt. Governor, Raj Niwas, Delhi-54

.... Respondents

(None for the Respondents)

JUDGMENT (ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

In this application, Shri Madan Lal Gautam, PET Grade-II, Delhi Administration and 16 others have prayed for a direction to the Respondents to treat them at par with the N.D.S. Instructors by revising their pay scales accordingly.

2. This case was ready for final hearing, after reply had been filed by the Respondents as far back as 20.12.90, and rejoinder to that reply filed by the applicant on 11.2.1991. However, when the case was called out for hearing, none was present on behalf of the Respondents, although we waited for a considerable length of time. We, therefore, thought it fit to dispose it of after perusing the material on records and hearing Sh. Srivastava, ld. counsel for the applicant.

3. During the course of the hearing, Shri Srivastava ld. counsel for the applicant has invited our attention to letter dated 11.1.1994 issued by the Ministry of Human Resources Development, Department of Education, Govt. of India addressed to the Director of Education (Delhi Administration), Respondent No. 1 stating relevant extract of which are quoted below:-

The PETs are better qualified than NDS Instructors in as much as the professional qualifications of PETs is an essential qualification whereas in the case of NDS Instructors, the professional qualifications is not essential. The PETs were thus enjoying higher pay scales over NDS Instructors absorbed in schools under Delhi Administration are engaged in the same job as the PETs recruited directly by them. Thus, it is felt that the denial of parity in the pay scales between different group of peoples engaged in the same job would amount to violation of Article 14 of the Constitution of India."

Copy of this letter has been taken on record.

4. In the light of the contents of the letter dated 11.1.1994 referred to above, this application is disposed of with a direction to the Respondents to take further action directly in accordance with the contents of that letter, within two months from the date of receipt of a copy of this judgment. MS Ashoka Jain, counsel for the respondents appeared later on.

5. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member(Judicial)

S.R. Adiga
(S.R. Adiga)

Member(A)

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