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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,
NEW DELHI.

O.A. No. 1938/90

New Delhi: December 2nd, 1994.

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Surendra Kumar
S/o Shri Asutosh Kumar
2. R. Thomas Mathai
S/o Sh. Mathai Farow
3. Balwan Singh
S/o Sh. Daryan Singh
4. Virendra Tyagi
S/o Sh. B.D. Tyagi
5. P. Murgation
S/o Sh. P.P. Pillai
6. Ajay Kumar
S/o Sh. Kali Charan
7. Shri Bhagwat Singh
S/o Sh. Ram Phool
8. Neelam Joshi
D/o Sh. Devi Deutt Joshi
9. Tilak Raj Chopra
S/o Sh. T.N. Chopra
10. Sunny Abraham
S/o Sh. Abraham A.J.
11. Attar Singh
S/o Sh. Kartar Singh
12. Ranbir Singh
S/o Sh. Pyare Lal
13. Ritu Bala
D/o Shri Om Prakash
14. Renu Bali
D/o Sh. A.D. Bali
15. Jai Bhagwan
S/o Sh. P. Lal
16. Jai Prakash
S/o Sh. Ramnarayan
17. K.V. Antony
S/o K.A.V. Antony
18. Yoginder Singh
S/o Sh. Ishwar Singh
19. Jose T. Paul
S/o Sh. C.B. Paul

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20. Thresiamma K.S.
S/o Late Sh. K.A. Joseph
21. Dinesh Chander
S/o Sh. Govind Ram
22. K.C. Chaku
S/o Sh. Casso Chaku
23. Ram Niwas
S/o Sh. Chhatter Singh
24. Ram Pal
S/o Sh. Ramesh Chander
25. Ram Pal Singh
S/o Shri Abhay Ram
26. Hari Prasad
S/o Sh. Chandgi Ram
27. Bhim Singh
S/o Sh. Sukh Ram
28. Gita Kumari
D/o Sh. Umrao
29. Amna Kohli
S/o Sh. K.L. Kohli
30. Pawan Kumar
S/o Sh. Hari Ram
31. Kailash Chandra
S/o Sh. C.M. Sati
32. Om Parkash
S/o Sh. Jeet Ram
33. Mahipal Singh
S/o Sh. B. Singh
34. Hadi Nasir Raza
S/o Sh. Shamin Haider
35. Krishna Kumar
S/o Sh. R.D. Sharma
36. Dilbagh Singh
S/o Sh. Hoshiar Singh
37. Surendar Kumar
S/o Sh. Pratap Singh
38. Agai Singh
S/o Shri Bhabuti Singh
39. Sanjay Goshwani
S/o Sh. J.P. Goshwani
40. Usha Mehta
D/o Sh. Kishan Chand

41. Rajesh Kumar
S/o Sh. Roshan Lal
42. Parvesh Kumar
S/o Sh. Ram Chander
43. Nisha
D/o Sh. Rajender Pal Singh
44. Sharda Gulati
D/o Sh. Trilok Singh Gulati
45. Meena Bhardwaj
D/o Sh. R.S. Sharma
46. Sunita
D/o Sh. Amar Singh
47. Mohan Lal
S/o Sh. Hari Singh
48. Kiran Maurya
D/o Sh. Pratap Singh
49. Kiran Bala
D/o Sh. Inder Raj
50. Suresh Chand
S/o Sh. Kanhaiya Lal
51. Ompal Rana
S/o Sh. Shital Singh
52. Ghanender
S/o Sh. Jitender Sharma
53. Harender Singh
S/o Sh. B.S. Gosani
54. Raj Bir Singh
S/o Sh. Jugal Kishore
55. Suman
D/o Sh. Gyan Chand
56. Raj Rani
D/o Sh. Chunni Lal
57. Neena
D/o Late Sh. R.D. Saxena
58. Dalbir Singh
S/o Sh. Chunni Lal
59. Harish Sati
S/o Damodar Sati

60. Ram Niwas
S/o Desh Raj
61. Kishor Chand
S/o Paras Ram
62. Rani Salanki
S/o Ram Kishan
63. Anita Vats
D/o Sh. Gajanand Sharma
64. Kusum
D/o Sh. Charan Singh Dube
65. Kishan Gopal
S/o Hari Kishan Sharma
66. Rajender Singh
S/o Sh. Raghunanda Singh
67. Ashok Kumar
S/o Sh. Sahib Singh
68. Purshotam Singh
S/o Sh. Thuniya Ram
69. Verky P.M.
S/o Mathai
70. Ashok Kumar
S/o Sh. Babu Singh

All the applicants are working as
Asstt. Wireless Operator (Head Constable)
Under Commissioner of Police, Delhi
By Advocate Shri S.K.Bisaria ----- Applicants

Versus

1. Union of India
through
Secretary, Ministry of Home Affairs
New Delhi
2. Lt. Governoer
through
Chief Secretary, Delhi Administration
Delhi
3. Commissioner of Police
MSO Building
New Delhi

By Advocate Shri O.N.Trisal.

----- Respondents

JUDGMENT

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

In this application, Shri Surender Kumar and 69 others, all Head Constables (Asstt. Wireless Operators), Delhi Police have prayed for a direction to the respondents to grant them the grade of Rs.1200-1800/- w.e.f. 1.1.84 on the principle of EQUAL PAY FOR EQUAL WORK.

2. The applicants contend that the Head Constables working as Drivers in the Delhi Police are enjoying the grade of Rs.1200-1800/- w.e.f. 1.1.84 and they are also legally entitled to this grade as they are performing the technical and more responsible duties in comparison to those of the drivers. They state that the Head Constables (Radio Mech.) Border Security Force are also drawing the scale Rs.1200-1800/- and similarly, the persons designated as Radio Telephone Operator in Delhi Fire Service Staff and Wireless/Telephone Operator in the Delhi Municipal Corporation are also drawing the scale of Rs.1200-1800/- while performing the same duties as the applicants, who are, however, drawing the scale of Rs.975-1660/-.

3. The respondents have contested the O.A. and in their reply point out that the comparison with the drivers in the Delhi Police cannot be made because in the case of drivers, their promotional avenues are limited only upto the rank of ASIs and they retire thereafter having no other promotion channel while in the case of the applicants, who come within the operational cadre of Communication Unit in the Delhi Police, they can rise up to the level of ACPs like those working in the Executive Unit.

It has been pointed out that the pay scale of the drivers are purely based on the pattern of Civilian drivers as no pay scale of Rs.1200-1800/- is available in any cadre of the Delhi Police. It has also been emphasised that in respect of Head Constables(AWOS) and Head Constables(Executive), the pre-revised pay scale w.e.f. 1.1.73 (Rs.260-350/-) and the revised pay scale w.e.f. 1.1.86 (Rs.975-1660/-) are the same. It has further been pointed out that the applicants had not submitted any representation in this regard since the implementation of the pre-revised pay scales w.e.f. 1.1.86.

4. We have heard Shri Bisaria for the applicants and Shri Trishal for the respondents. We have also considered the matter carefully.

5. The claim for equal pay for equal work can be sustained only if it can be established that the nature of duties, responsibilities, work-load performance levels etc. for AWOS is the same as the drivers. Manifestly, the duties of the AWOS cannot be compared with that of the drivers and hence this comparison fails. In so far as the comparison with the Radio Mechanics in the Border Security Force or the Radio Telephone Operators in the Delhi Fire Service or Wireless Telephone Operator in the Delhi Municipal Corporation is concerned, no materials have been produced by the applicant, in the nature of a comparative chart to establish equivalence in duties, responsibilities, functions etc. During hearing, Shri Bisaria emphasised that in other neighbouring States such as Punjab, Himachal Pradesh, Haryana etc., the Head Constables are drawing a higher scale of pay than those in Delhi Administration although they are performing the same

duties and responsibilities and this was ⁱⁿ ~~effected~~ in favour of the applicants. Each State Govt./ Union Territory has its own structure of wages and salaries depending upon local factors and circumstances. The Tribunal's jurisdiction is confined to employees under the Central Govt. and the Delhi Administration and we would not be justified in enhancing the pay scales of the applicants on the basis of what is happening in the neighbouring States. In this connection, Shri Bisaria has relied upon the rulings in Grah Kalyan Kendra Vs. UOI -AIR 1991 SC 1173; Librarian of ITIs Vs. UOI -1992(1) SLJ 511 CAT; B.S.Bahl Vs. UOI- 1993(6)SLR 127 in support of his argument but in State of U.P. Vs. J.P.Chaurasia-AIR 1989 SC 19, the Hon'ble Supreme Court has laid down that

"It is for the administration to decide the question whether two posts which very often may appear to be the same or similar should carry equal pay, the answer to which depends upon several factors, namely, evaluation of duties and responsibilities of the respective posts and its determination should be left to expert bodies like the Pay Commission. The Court should normally accept the recommendations of Pay Commission."

6. In the present case, the pay scales of the applicants was fixed upon the recommendations of the IV Pay Commission, and we at this juncture would not be justified in interfering with the same particularly when the Vth Pay Commission was constituted nearly over one year back, and is well advanced in its deliberations. We hope that the applicants would have represented to the Vth Pay Commission well before the last date of receipt of ^{the} representations, for consideration of their

case. This application is accordingly rejected.
No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

Arfahgi
(S.R.ADIGE)
MEMBER (A)

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