

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...
OA. 617 of 1990

Dated New Delhi, this 22nd day of August, 1994

Hon'ble Mr A. V. Haridasan, Member (J)

Hon'ble Mr B. K. Singh, Member (A)

Shri Banarsi Prasad
R/o C-3-29, Rajiv Gandhi Camp
C Block, Naraina Vihar
NEW DELHI

... Applicant

By Advocate: None

VERSUS

Union of India through

1. Secretary
Ministry of Agriculture
Krishi Bhawan
NEW DELHI

2. Director
Indian Agricultural Research
Institute, Pusa
NEW DELHI

... Respondents

By Advocate: None

O R D E R
(Oral)

Mr A. V. Haridasan, M(J)

This application has been filed under section 19 of the Administrative Tribunal Act, 1985 by the applicant praying for a declaration that the applicant is entitled for the grade of Driver with effect from 19.4.85 on the basis of principles of "equal pay for equal work" and that as regular on the post of Driver with effect from 19.4.85 with all consequential benefits.

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2. The applicant has been allegedly working as Driver w.e.f. 19.4.85 till date. In this application the applicant alleges as follows:-

During the tenure of his service as Beldar, he acquired qualification to perform duties of a Driver. He had been directed to work under the charge of Deputy Director and Head of the Plant Physiology Department as Driver w.e.f. 19.4.85. Though he has continuously worked on the post of Driver w.e.f. 19.4.85, he was paid the salary of a Beldar with Rs.2/- per day as honorarium for working as Driver while the grade of Driver is Rs.950-1500 and that he, on the principles of "equal pay for equal work", is eligible to get the pay of the post of Driver. His representations claiming "equal pay for equal work" have not been responded to by the respondents. Hence this OA.

3. The respondents contend that the applicant was only allowed to drive the car in the absence of a regular Driver and he was paid the additional remuneration for the same in accordance with the Office Memorandum of the Ministry of Home Affairs (Dept. of Personnel & A.R.) No. 17016/7/80 dated 20.2.91 in which Rs.2/- per day has

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been prescribed as honorarium for Group 'D' staff who are allowed to work as Staff Car Drivers or other four-wheeled vehicles. The applicant has not challenged the validity of the above O.M. Therefore, the applicant is not entitled the relief prayed for.

4. As none is present for the applicant and none for the respondents, we have perused the pleadings in this case carefully. There is no averment in the application that the applicant has been, by any order, appointed as a Driver on ad-hoc basis. Therefore, he has no right to claim the pay and allowances attached to the post of Driver. He has been paid honorarium as admissible in accordance with the O.M. dated 20.2.91 of DoPT the vires of which has not been challenged by the applicant in the OA. Though the applicant was allowed to participate in the selection process for recruitment to the post of Driver twice, he did not qualify and hence he was not selected.

5. In view of the facts and circumstances of the case, we are of the view that the applicant is not entitled to the relief prayed for in the OA and in the result, the OA is dismissed. No costs.


(B. K. Singh)
Member (A)


(A. V. Haridasan)
Member (J)