

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL
BENCH: NEW DELHI.

O.A. NO. 1380 OF 1991.

New Delhi this the 14th Day of July 1995.

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN (J)

HONBLE MR. R.K. AHOOJA, MEMBER (A)
In the matter of

1. Tara Chand (Head Constable 879/L)

son of Shri Nanga Ram, resident of

WZ-1415, Nangal Rai, New Delhi-110046.

2. Naresh Kumar (H.C. 559/L).

3. Bijender Kumar (H.C. 570/L).

4. Devi Singh (H.C. 588/L).

5. Rajinder Parshad (H.C. 5)

6. vijay Kumar (H.C. 578/L).

7. Krishan Chand (H.C. 580/L).

8. Vijay Pal Singh (H.C. 577)

o. Satya Bir Singh (H.C. 870/L).

16. Baljeet Singh (H.C. 884/L).

12 Ranjinder Singh (H.C. 934/L):

13 Ajai Singh (H.C. 885/L)

13. $\text{Ba}^{\frac{1}{2}}\text{Ba}^{\frac{1}{2}}$ (H_2C_2 , 800*T*).

24. Basu and Kumar (H. Sc. 804/I)

15. *Hammer Barbados* (H. G. 80231).

16. Ausdruck vom 15.10.2003 (H-Ga 203/E)

5. Schwarz-Stach (H. C. 9.054)

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18. Ravi Raj (H.C. 909/L).
19. Rajinder Singh (H.C. 510/L).
20. Ajayvir Singh (H.C. 910/L).
21. Gulshan Kumar (H.C. 855/L).
22. Krishan Kant (H.C. 857/L).
23. Madan Chand (H.C. 859/L).
24. Ashok Kumar (H.C. 850/L).
25. Ishwar Singh (H.C. 393/L).
26. Ram Narain Poonia (H.C. 475/L).
27. Abdul Majid Khan (H.C. 268/L).
28. Rajinder Singh (H.C. 217/L).
29. Hem Chander (H.C. 178/L).
30. Ujagar Lal (H.C. 173/L).
31. Amrit Lal (H.C. 271/L).
32. Sukhbir Singh (H.C. 415/L).
33. Ram Kumar (H.C. 920/L).

(By Advocate: Shri S.K. Sinha, ...
 Proxy for Shri Jog Singh)
 Vs.

Applicants

1. Delhi Administration,
 Delhi through
 its Chief Secretary,
 5 Shyam Nath Marg,
 Delhi.
2. Commissioner of Police,
 Delhi Police Headquarters,
 I.P.Estate, New Delhi.
3. Union of India, through the
 Secretary to the Government of India,
 Ministry of Home Affairs,
 New Delhi. Respondents

(By Advocate: Shri Shyam Babu)

O R D E R (Oral)

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

The applicants who are working as Accident Service Technicians (Head Constables) under Delhi Administration are aggrieved by the rejection of their claim for parity in pay scale with the Central Government Pharmacists by order dated 13.2.1991 (Annexure I). They have prayed that Respondents No. 1 & 2 may be directed to send the case of the applicants to Respondent No. 3 for consideration and for grant of pay scale of Rs. 1400-2300/- or alternatively to consider the case of the applicants for grant of the pay scale of Rs. 1350-2000 or the pay scale of Rs. 1200-1800. The applicants were recruited directly as Accident Service Technicians (Head Constables) in the pay scale of Rs. 260-350/-. The qualifications required for the post according to the Recruitment Rules were:

- I. Matric/higher secondary with Science;
- II. Two years experience in First-aid and Resuscitation measures e.g. control of bleeding, maintenance of Cardio Pulmonary function etc.

After acceptance of the Report of the Fourth Pay Commission, this pay scale was revised to Rs. 975-1660/-. The applicants have submitted that the Homoeopathic Pharmacists/Store-keepers under the Delhi Administration were given a pre-revised pay scale of Rs. 330-560/- though the qualification prescribed in their recruitment rules were only matriculate or equivalent and two years experience as a Homoeopathic Pharmacist in Government and recognised Private Homoeopathic Hospital, Dispensary or three years experience under a Registered Homoeopathic Practitioner and the Pharmacists under the Delhi Administration were also given a higher pay scales



while the applicants whose recruitment qualifications is higher and nature of duties and responsibilities are more onerous than these categories are given a lower pay scale. They have also alleged that the Drivers (Head Constables) who are merely driving the vehicle whose duty is less onerous than the Accident Service Technicians (Head Constables) having been given the pay scale of Rs. 1200-1800 there is absolutely no justification to keep the pay scale of Accident Service Technicians (Head Constables) at the lower stage of Rs. 975-1660/- and that the rejection of their representation for parity in pay scale is without due application of mind. It is with these allegations the applicants filed the application. The respondents have filed the detailed reply.

2. We have perused the case and have heard Shri Shyam Babu, Counsel for the applicant and Shri S.K. Sinha, proxy counsel for the respondents.

3. A careful reading of the application itself is sufficient to show that the applicants do not have a cause of action. There is no basis for the applicants for comparing themselves with the Homoeopathic Pharmacist or the other Pharmacists working in the Delhi Administration. Their recruitment qualification as well as the nature of duties totally differ from the qualifications as also the nature of duties and responsibilities of the Pharmacists. The Drivers (Head Constables) are also performing entirely different nature of duties than the Accident Service Technicians (Head Constables). Therefore, the applicants cannot compare themselves with any of the categories mentioned in the application. The

representation made by the applicants to the respondents have been considered by the authority and rejected it. The fact that a higher educational or other qualification is prescribed for a post does not always mean that a higher pay scale should be prescribed for the post. A post which requires only lower educational qualification may be given a higher pay scale depending on the onerous nature of the duties and responsibilities attached to that post. It is the domain of the Government to prescribe the pay scale for a post after taking into account the educational and other qualifications as also the duties and responsibilities attached to the post. Judicial intervention in such matters will be far and few. The judiciary does not possess the expertise to evaluate the comparative onerous nature of duties of different posts. It is for the government to prescribe the pay scale on an overall consideration of the qualifications, nature of duties and such other relevant factors.

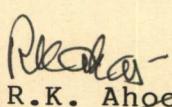
4. The claim based on equal pay for equal work also is baseless because the applicants are not performing the same duties or similar duties as Pharmacists or Drivers (Head Constables).

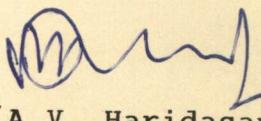
5. We find that the applicants are not entitled to get the relief prayed for. However, it will open to applicants to make representation in regard to their grievances to the Fifth Pay Commission through the Department within one month of such a representation

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received from the applicants and respondents are directed to forward the same to the Fifth Pay Commission for its consideration, With the above observation and direction, this application is disposed of. No order as to costs.


(R.K. Ahooja)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)

Mittal