

Central Administrative Tribunal
Principal Bench

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O.A.No. 1466/1991

New Delhi, this the 21st day of July, 1995

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri K. Muthukumar, Member (A)

Ganesh Lal
Foreman (Horticulture)
Humayun Tomb,
New Delhi

....Applicant

(By Shri Ashish Kalia, Advocate)

Versus

Union of India through:

The Director General,
Archeological Survey of India,
Janpath,
New Delhi.

...Respondents

(By None)

O.R.D E R (O R A L)

(delivered by Hon'ble Shri J.P. Sharma, Member (J))

The applicant was appointed as Mali in the scale of 30-35 on 7.5.1953 and he was promoted as Assistant Chaudhary on 6.4.56. The nomenclature of the post of Chaudhary was changed to Assistant Foreman Horticulture w.e.f. 1.6.1963 in the scale of 225-308/-.

The grievance of the applicant is that the post of Chaudhary in C.P.W.D. and D.D.A. continued to be in the scale of 260-400/- where in the department of the applicant

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the post of Assistant Foreman Horticulture (AFH) was given the scale of 225-308/-. The petitioner has prayed for removal of this anomaly by several representations. The Department has also made sympathetic recommendations in the case of the applicant. However, the matter has finally been rejected on 17.1.1990 which was conveyed to him by the impugned order dated 26.2.1990. He, therefore, filed this application on 6.6.1991 and prayed for the grant of the reliefs that the respondents be directed to revise the scale of A.F.H. at par with Chaudharies of C.P.W.D. & D.D.A. and allow similar financial benefits from the date these have been allowed to Chaudharies in C.P.W.D.

On notice the respondents filed the reply. In the reply the respondents opposed the grant of the reliefs claimed on the ground that the duties and responsibilities assigned to the applicant in Archeological Survey of India are not the same with the duties and responsibilities assigned to Chaudharies in C.P.W.D. or D.D.A. It is stated that the A.F.H. has been assigned the duties and responsibilities of maintenance of Muster rolls of labour, preparation of daily labour reports, distribution tools to labour keeping control of labour force., Assisting Foreman, caretakers or Conservation Assistants in the supervision or control over works while in the case of Chaudharies working in C.P.W.D. besides taking attendance and preparation of daily report to explain connect method of different

gardenis, manuring, dressing, renovation of lawns, cultivation of annuals and vegetables, plantation of hedges, shrubs and trees and trimming of roses and other trees from the diseases. Thus, on this basis though the case was referred to the Ministry of Finance but the competent authority has not agreed and the representation of the applicant was rejected. The 4th pay Commission has also since recommended the pay scales in Archeological Survey of India separately.


In view of this, it is said that the applicant has no case. The applicant has also filed rejoinder. None appears for the respondents. Shri Ashish Kalia is present on behalf of the applicant.

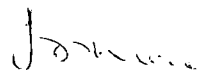
Since the 5th pay Commission is in session and is taking up the matter of central government employees for revision of pay scales taking into account the different organizations of the Union of India including the Ministries and departments, the applicant's counsel desired that the matter pertaining to the applicant may be sent by the department to the 5th pay Commission enclosing therewith the representation of the applicant for consideration by the Commission. However, it is pointed that the applicant has since retired on superannuation from service. The learned counsel pointed out that retrospective enhancement in the pay be granted in the case of the applicant on the principle of equal pay for equal work.

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The learned counsel, however, stated that since the department has recommended the case of the applicant which was not accepted by the Ministry of Finance, so, the department may still pursue the matter with the 5th Pay Commission. However, the son of the petitioner appears and states that similar matter has already been referred i.e. D.O. No. 1205/98, so no action is called for in the present D.O. The D.O. is, therefore, infructuous as the applicant was since retired, and the same is dismissed accordingly leaving the parties to bear their own costs.


(K. MUTHUKUMAR)
MEMBER (A)


(J. P. CHARI)
MEMBER (B)

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