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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.1823/91

Dated this the 26th Day of February, 1996.

Hon'ble Shri B.K. Singh, Member(A)
Hon'ble Dr. A.Vedavalli, Member(J)

1. H.C. Pandey
S/o Harish Chander Pandey
R/o Q.Z. C-7, Vishwas Park,
Uttam Nagar, New Delhi 110 059.
working as Surveyor in the office
of Land and Development, Ministry
of Urban Development, Nirman
Bhawan, New Delhi.
2. Kuldip Singh,
S/o Suraj Mal,
R/o Village & P.O. Pakasma
Distt. Rohtak (Haryana) presently
residing at H.No.505, Gali No.1,
Indra Park Line Par Bahadurgarh,
Rohtak, Haryana and
working as Surveyor in the office
of Land & Development, Ministry of
Urban Development, Nirman Bhawan,
New Delhi. ...Applicants

By Advocate: V.B. Joshi and F.C. Saxena.

versus

1. Union of India
through Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
2. Land & Development Officer,
Ministry of Urban Development,
Nirman Bhawan, New Delhi. ...Respondents

By Advocate: M.L. Verma

O R D E R (Oral)
(By Hon'ble Shri B.K. Singh)

The two applicants S/Shri H.C. Pandey and Kuldip Singh have filed this OA seeking declaration from this Tribunal that they are entitled to the same pay scales given to other employees such as Senior Surveyor/Overseers doing similar jobs and other Surveyors of Government of India.

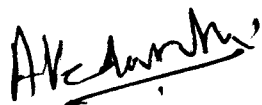
2. It is admitted that the respondents have received representations in this regard from the applicants and they have stated that the matter is

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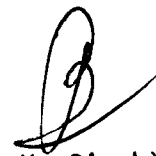
still under consideration. The fixation of pay scale is done by expert bodies like that of a Pay Commission and the Hon'ble Supreme Court in a catena of judgements have taken a consistent view that the Pay Commission goes in depth go indepth about the duties and responsibilities, work content and quality of work put in by each category of staff and then they recommend various pay scales for different categories of staff. The Hon'ble Supreme Court in the cases of State of U.P. versus J.P. Churasia, State of M.P. versus Pramod Mahajan, Supreme Court Employees Welfare Association vs. U.O.I and in case of Union of India versus Shyam Babu Verma have stated that the two posts may appear to be similar but mere semblance will not entitle the two groups to be placed at par. The duties and responsibilities attached to the posts, the work content and quality of work put in by each category will have to be considered indepth before a classification made by an expert body like the Pay Commission declared that Articles 14 and 16 will not be attracted unless the applicants have placed very strong reasons to show that they are performing the same duties and responsibilities and that the work content and the quality of work are also the same as those of the categories, the Court will not strike down that classification as arbitrary unreasonable. The onus lies on the applicants to prove that they are equals being treated as unequals. In the case of Supreme Court Welfare Employees Association, the Hon'ble Supreme Court held the view that it is not for the Court to fix the pay scale for any category of staff. It is done by an expert body like the Pay Commission. The Court can strike down the

classification as arbitrary and unreasonable only if it is proved that there are a very strong and pressing reasons to do so. The Vth Pay Commission is already going indepth in regard to the fixation of pay scale of various categories of staff and since the respondents have admitted that the matter is under consideration, we direct that the applicants will file a detailed representation showing that they are performing the same duties and responsibilities as similarly situated persons in other departments and that the work content and the quality of work performed by them is also the same and, therefore, they are entitled to the same pay scale as has been given to the Survivors in other departments. The respondents will forward the same to the Vth Pay Commission for consideration as a special case in view of the fact that this OA is pending before the Tribunal since 1991.

3. With these observations, this OA is disposed of finally but without any order as to costs.



(Dr. A. Vedavalli)
Member(J)



(B.K. Singh)
Member(A)

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