

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

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O.A. No. 2122 of 1991 Decided on: 24.2.98

P.N. Luthra & Ors. Applicants  
(By Advocate: Ms. S. Janani)


VERSUS

U.O.I. & Ors. Respondents  
(By Advocate: Mrs. P.K. Gupta)

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HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO

  
(S.R. ADIGE)  
VICE CHAIRMAN (A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

24A 27

O.A. No. 2122 of 1991

New Delhi, dated this the 24<sup>th</sup> February 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Shri P.N. Luthra,  
Senior Foreman,  
RSSD Workshop, COD Delhi Cantt.  
New Delhi-110010.
2. Shri S.N. Sharma,  
Foreman,  
AE&S Ordnance Depot,  
Shakurbasti,  
Delhi.
3. Shri Hari Chand,  
Sr. Chargeman,  
1, Sub Depot, CVD, Delhi Cantt.  
New Delhi-110010.
4. Shri Mehar Chand,  
Chargeman,  
ESG Workshop, COD, Delhi Cantt.  
New Delhi-110010.
5. The Ordnance Technical Assn. (Non-Ind)  
(Regd. No.958) through its General  
Secretary,  
Shri Kewal Singh, Office Office,  
Gautam Niwas,  
A-2/372, Sector-8,  
Rohini,  
Delhi-110085.

... APPLICANTS

(By Advocate: Ms. S. Janani)

VERSUS

1. Union of India through  
Ministry of Defence,  
New Delhi.
2. The Adjutant General,  
Adjutant General's Branch,  
Army Headquarters,  
DHQ P.O.,  
New Delhi-110011.
3. The Master General Ordnance,  
Army Hqrs.,  
New Delhi-110011.
4. The Director General,  
Ordnance Services,  
Army Hqrs.,  
New Delhi-110011.

... RESPONDENTS

(By Advocate: Shri Harvir Singh proxy  
counsel for Mrs. P.K.Gupta)

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HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

In this O.A. applicants seek the relief contained in para 8 thereof. During the completion of pleadings applicants filed M.A. No.2864/95 for permission to urge additional submissions, which by order dated 14.12.95 was held would ultimately form part of the O.A.

2. At the outset we must hold that Reliefs 8(b) and (8(d)) in which certain inter se ratio of posts is prayed for; as well as Relief 8(e) which seeks creation of certain posts, lies entirely outside the Tribunal's jurisdiction being matters exclusively of executive policy. Under the circumstances we shall confine ourselves to adjudication of Reliefs 8(a) and 8(c).

3. Applicants who are Chargemen, Sr. Chargemen and Foremen under the D.G., Ordnance Services and thus comprise the technical supervisory staff in the Army Ordnance Corps functioning in approximately 31 Army Ordnance Depots/Vehicles Depots located throughout the country contend that the 4th Pay Commission had recommended a four tier grade structure having four pay scales uniformly in all Depts. under Defence Ministry which was satisfactorily implemented in other Depts. of Defence Ministry such as DCOF, DGI, R&D etc.

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<u>Level</u>	<u>Designation</u>	<u>Pay Scales</u>
		<b>Rs.</b>
I	Foremen	2375 - 3500
II	Asst. Foremen	2000 - 3200
III	Chargeman Gr.I	1600 - 2660
IV	Chargemen Gr.II	1400 - 2300

4. Applicants complain that in AOC however, while implementing the aforesaid recommendations the following scales were granted which has resulted in anomalies.

<u>Designation</u>	<u>Pay Scales</u>
	<b>Rs.</b>
Sr. Foremen	2375 - 3500
Foremen	1600 - 2660
Sr. Chargemen	1400 - 2300
Chargemen	1400 - 2300

Their prayer in this O.A. is essentially therefore, for fixing of the pay scale of Sr. Chargeman as Rs.1600-2660 and of Foremen as Rs.2000-3200 w.e.f. date of implementation of 4th Pay Commission's Recommendations.

5. We have heard applicants' counsel Ms. Janani and respondents' counsel Shri Harvir Singh. We have also perused the materials on record and given the matter our careful consideration.

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6. We note that consequent to the 3rd Pay Commission's recommendations, by Defence Ministry's Notification dated 24.12.73 in regard to posts under Directorate of Ordnance Services the pay of Chargemen was revised from Rs.150 - 300 to Rs.380-560; that of Sr. Chargemen from Rs.250-380 to Rs.425-700; and that of Foremen from Rs.325-485 to Rs. 550-750. Keeping in view the staffing pattern and distribution of posts of tech. supervisors in various organisations including Defence, the 4th Pay Commission in paras 11.25 to 11.28 of its report recommended merger of 7 pay scales ranging from Rs.380-560 to Rs.550-750 and proposed Rs.1400-2300 for them. This included the scale of Rs.380-560 granted to Chargemen, Rs.425-700 granted to Sr. Chargemen and Rs.550-750 granted to Foremen.

7. Respondents, however, improved upon those recommendations and by Defence Ministry's Notification dated 23.9.86 merged only six scales ranging from Rs.380-560 to Rs.455-700 and granted to <sup>the</sup> ~~the~~ replacement scale of Rs.1400-2300, which covered both Chargemen and Sr. Chargemen. Those in the scale of Rs.550-750 (Foremen) were merged with the scale of Rs.550-800 and granted the replacement scale of Rs.1600-2660.

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8. It is argued that the line of promotion is from Chargeman to Sr. Chargeman to Foreman and then to Sr. Foreman, on the basis of selection with enhanced responsibility at each level, and each category is considered to have an independent entity which justifies different and progressively higher pay scales.

9. On the other hand we notice that respondents have gone strictly by the 4th Pay Commission's recommendations, and if anything have improved upon it. The Hon<sup>ble</sup> Supreme Court has in a catena of judgments, some of which have been cited by respondents in their reply, emphasised that the matter of equivalence of posts and pay scales should be left to the judgment of expert bodies like the Pay Commission which have the expertise, resources and data to go into the matter in depth, and Courts/Tribunals which are ill-equipped to deal with these complex issues should not normally interfere in such matters unless a clear case of hostile discrimination is made out. In this connection the following paragraph from the Hon<sup>ble</sup> Supreme Court's judgment dated 12.3.97 in Civil Appeal No.7127/93 U.O.I. & Anr. Vs. P.V. Hariharan & Anr. is extremely relevant.

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" Before parting with this appeal, we feel impelled to make a few observations. Over the past few weeks, we have come across several matters decided by Administrative Tribunals on the question of pay scales. We have noticed that quite often the Tribunals are interfering with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function. It is the function of the Govt. which normally acts on the recommendations of a Pay Commission. Change of pay scale of a category has a cascading effect. Several other categories similarly situated, as well as those situated above and below, put forward their claims on the basis of such change. The Tribunal should realise that interfering with the prescribed pay scales is a serious matter. The Pay Commission, which goes into the problem at great depth and happens to have a full picture before it, is the proper authority to decide upon this issue. Very often, the doctrine of "equal pay for equal work" is also being mis-understood and mis-applied, freely revising and enhancing the pay scales across the board. We hope and trust that the Tribunals will exercise due restraint in the matter."

10. As the impugned pay scales have been fixed pursuant to the recommendations of the 4th Pay Commission, and in the background of what has been stated above, we find no good reasons to interfere in this matter. The O.A. is dismissed. No costs.

A. Vedavalli  
(DR. A. VEDAVALLI)  
MEMBER (J)

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(S.R. ADIGE)  
VICE CHAIRMAN (A)

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