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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

- 1) O.A. NO. 2231 of 1991
- 2) O.A. NO. 193 of 1992

New Delhi this the 25th day of September, 1995.

HON'BLE SHRI A. V. HARIDASAN, VICE CHAIRMAN (J)  
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

1) O.A. NO. 2231/1991

S/Shri

1. Hemant Verma S/O B. L. Madaria,  
613 (N) Sewa Bhawan, R.K.Puram,  
New Delhi.
2. Sharwan Kumar S/O Dr. B. D. Varshney,  
613 (N) Sewa Bhawan, R.K.Puram,  
New Delhi.
3. L. Satyanarayana S/O L. Ramamurthy,  
616 (N) Sewa Bhawan, R.K.Puram,  
New Delhi.
4. Absar Ahmad S/O Iftikhar Ahmad,  
616-TCM, CEA, Sewa Bhawan,  
R.K. Puram, New Delhi.
5. Gangarevanna S/O N. Puttashamaiah,  
CEA/TCM, 615 Sewa Bhawan,  
R.K. Puram, New Delhi.
6. C. P. Jain S/O Magan Lal Jain,  
TCM-I, CEA, Sewa Bhawan,  
R. K. Puram, New Delhi.
7. K. S. Venubabu S/O K.R.K. Murthy,  
B&A Dte/CEA Room No.612, Sewa Bhawan,  
New Delhi.
8. P. Venkata Krishna S/O P.V.S. Sharma,  
TMD Directorate, CEA, New Delhi.
9. Sudhir Jain S/O A. C. Jain,  
B-2/15 Safdar Jung Enclave,  
New Delhi-110029.
10. S.K. Shivahare S/O B.D. Shivahare,  
B-4/422, Sec.8, Rohini, New Delhi.
11. Devendra Saluja S/O L. D. Saluja,  
L&S Directorate, Room No.611, CEA,  
Sewa Bhawan, R.K.Puram, New Delhi.
12. Ram Charan S/O R. P. Singh,  
609, CEA, Sewa Bhawan,  
New Delhi.

M

13. Shri Kamal Khemchandani s/o Sh. H.T. Khemchandani  
PC-I Directorate, Room No.609 CEA, Sewa Bhavan  
New Delhi-66

14. Shri Rajesh Kumar Kohli s/o Shri K.L. Kohli  
E/3, Kirti Nagar, New Delhi-15

15. Miss Bhagya Lakshmi S. s/o Shri G.S. Pillai  
HTD II Directorate, Room No.607, CEA  
Sewa Bhawan, New Delhi

16. Shri Ajay Arya s/o Sh. Ram Saran Arya  
89/3, Ram Gali Viswash Nagar, Shahdara  
Delhi-32

17. Shri Dipti Mal s/o Shri Chawal Singh  
Training & Man Power Directorate  
41 Community Centre, Vasant Lok, Vasant Vihar  
New Delhi

18. Shri S. Suryanarayana s/o late Shri Satyam  
TAS-II 613 (N) Sewa Bhavan, R.K. Puram  
New Delhi-66

19. Miss Kochurani Cyriac D/o Mr. Cyriac Thomas  
208 FED-II, CEA Sewa Bhavan, R.K. Puram  
New Delhi

20. Shri Antony P. Cherian s/o Sh. P.J. Charian  
213 PAC Directorate CEA Sewa Bhavan, R.K. Puram  
New Delhi

21. Smt. Ranju Bhalla w/o Mr. V.K. Bhalla  
220 STP Directorate, CEA, Sewa Bhavan, R.K. Puram  
New Delhi

22. Mrs. Mary Francis w/o Mr. P.U. Francis  
313, HTD V Directorate, CEA Sewa Bhavan  
R.K. Puram, New Delhi

23. Miss Mariamma John d/o Shri P.J. John  
206, FEDI, CEA, Sewa Bhavan, R.K. Puram, New Delhi

24. Shri M.M. Hassan s/o Md. Aiyub  
914 T.P. Directorate, CEA, Sewa Bhavan, R.K. Puram  
New Delhi.

25. Shri P. Parthasarathy s/o Mr. N. Peromal  
T.P. 914 CEA Sewa Bhavan, R.K. Puram, New Delhi

26. Shri B.L. Acharya s/o Shri B.P. Acharya  
905 North, TPIA Dte, CEA, Sewa Bhavan, R.K. Puram  
New Delhi.

27. Shri Girdhari Lal s/o late Ramji Lal  
H.No.16/797-98 E, Bapa Nagar, P.S. Road, Karol  
Bagh, New Delhi

28. Shri Manoj Kumar Dewan s/o Shri V.B. Dewan  
Room No.905 North Wing, TPIA Directorate, Khemchandani  
Sewa Bhavan, CEA, R.K. Puram, CEA, Sewa Bhavan  
New Delhi.

29. Shri Rajesh Kumar Kohli s/o Shri K.L. Kohli  
E/3, Kirti Nagar, New Delhi-15

30. Miss Bhagya Lakshmi S. s/o Shri G.S. Pillai  
HTD II Directorate, Room No.607, CEA  
Sewa Bhawan, New Delhi

(3) RA ✓

29. Shri Sukanta Gupta s/o Shri Satya Bhushan Gupta  
Room No.914(S) Sewa Bhawan, P.C.III Dte  
CEA, R.K. Puram, New Delhi-66

30. Shri Shyamal Konar s/o Bongshidhar Konar  
Room No.914(S), Sewa Bhavan, P.C. III Dte  
CEA, R.K. Puram, New Delhi-66

31. Shri Vellanki Vidyasagar s/o V. Lakshmi Narayana  
N-905 TPIA DTE, CEA, Sewa Bhavan, R.K.Puram  
New Delhi-66

32. Shri Koduro Swami Babu s/o Shri ThiropathiRao  
H.P.I.M.DTE, CEA, sewa Bhavan, R.K.Puram  
New Delhi

33. Shri S.K.Rajendra.R. s/o Shri Ra. Sreeramulu  
R.E. DTE, CEA 2 Basant Lok, New Delhi-57

34. Shri R.Ilango s/o A.V. Ramakrishnan  
Room No.914(S) PC-III DTE, CEA, Sewa Bhawan  
R.K.Puram, New Delhi

35. Shri M.Shiva Kumar s/o M. Kumarawamy  
R.No.607 H.T.D-II, CEA, R.K.Puram  
New Delhi

36. Shri Ashish Goel s/o Shri R.C.Goel  
R.No.707 HTD-III Dte, CEA, Sewa Bhavan  
R.K.Puram, New Delhi

37. Shri V.Sitaramaraju s/o V.Subba Raju  
R.No.707, HTD-III, CEA, Sewa Bhawan  
R.K.Puram, New Delhi

38. Shri P.Ester Kamala w/o Mr. P.J.P. Prabhakar  
R.No.707, HTD-III Dte, CEA, Sewa Bhawan  
R.K.Puram, New Delhi-66

39. Shri Rajesh Kumar s/o Shri Moti Lal  
R.No.709, M.H. Dte, CEA, Sewa Bhawan  
R.K.Puram, New Delhi-66

40. Shri P.J. Rathod s/o Shri J.F.Rathod  
R.No.711, M.H. Dte, CEA, Sewa Bhawan,  
R.K.Puram, New Delhi-66

41. Miss Usha S. d/o A.P.Sethumadhavan  
R.No.714 GDA Dte, CEA, Sewa Bhawan R.K.Puram  
New Delhi-66

42. Shri E.Sivasankar s/o late Mr. N.Ethirajan  
715, T.S. Dte, CEA, R.K.Puram, New Delhi

43. Shri Hanumanth Reddy s/o Shri Mallannagouda  
R.No.705 HTD-I(NJ)  
CEA, R.K.Puram, New Delhi

44. Shri Sukanta Gupta s/o Shri Satya Bhushan Gupta  
Room No.914(S) Sewa Bhawan, P.C.III Dte  
CEA, R.K. Puram, New Delhi-66

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44. Shri Kamal K.Chauhan s/o Sh. K.L.Chauhan  
Room No.703, H.T.D.VI CEA, R.K.Puram  
New Delhi-66
45. Shri Pradeep Kumar s/o Shri S.K. Sharma  
Room No.609, PC-I, Dte, CEA, R.K.Puram  
New Delhi
46. Shri S.Chandrasekhara Rao s/o Sri S.V.N.Gupta  
Room No.411(N) Sewa Bhavan, R.K.Puram New Delhi
47. Shri S.K.Taksande s/o Shri K.Z. Taksande  
Room No.411, S&T Dte, CEA Sewa Bhavan  
New Delhi
48. Shri Y.M. Khare s/o Shri S.C.Khare  
Room No.411, Elect. Ser. Dte, CEA, Sewa Bhawan  
R.K.Puram, New Delhi
49. Shri D.V.S.N.Raju s/o Sri Ramalinga Raju  
407, HEDP DTE, CEA, Sewa Bhavan, R.K.Puram  
New Delhi-66
50. Miss V.Giriya s/o M.A.Viswanathan  
407 HEDP Dte, Sewa Bhawan, R.K.Puram  
New Delhi
51. Shri Gopinadhan Pillai s/o Sri G.Kesava Pillai  
403 HEP Dte, CEA, Sewa Bhavan, R.K.Puram  
New Delhi
52. Shri Navendra Singh s/o Shri Nathi Singh Chauhan  
405 HEPR Dte, CEA Sewa Bhawan, R.K.Puram  
New Delhi
53. Shri Om Parkash Chhibber s/o Shri Ram Nath Chibber  
407 HEDP DTe, CEA, Sewa Bhavan, R.K.Puram  
New Delhi
54. Shri Rakesh Kumar Sarotriya s/o Shri Gopi Lal  
Sharma, 405 HEPR Dte, CEA Sewa Bhavan, New Delhi
55. Shri M.P.S.Rana s/o Shri R.P.S.Rana  
411 Sewa Bhawan S-27 Dte, CEA R.K.Puram  
New Delhi
56. Shri Ugrasen Prasad s/o Sri Gobardhan Parsad  
412, Sewa Bhawan, Unit C&I, Dte/CEA, R.K.Puram  
New Delhi
57. Shri Khurshid Baig s/o late Mustaqim Baig  
412 Sewa Bhawan, Unit C&I Dte, CEA Sewa  
Bhawan, R.K.Puram, New Delhi
58. Shri M.Venkaiah s/o M.Veeraraghavulu  
416 Sewa Bhawan, CEA, W.C.Dte, R.K.Puram  
New Delhi-66
59. Shri Bhojraj Alwani s/o Sh. Dayaram Alwani  
414, Sewa Bhawan, CEA, S.I. Dte, R.K.Puram New Delhi.

(4) *Shri Venkaiah s/o M. Veeraraghavulu* S.K. Sharma

(4) *Shri Venkaiah s/o M. Veeraraghavulu* S.K. Sharma

(4) *Shri Venkaiah s/o M. Veeraraghavulu* S.K. Sharma

60. Shri Sunny Pabraham s/o Sh.P.C.Abraham  
414 Sewa Bhawan CEA, E.Schemes Dte  
R.K.Puram New Delhi

61. Mrs. Navneeta Verma w/o Pradeep Verma  
414 Sewa Bhavan, CEA S.Dte, R.K.Puram  
New Delhi-66

62. Miss Jayashree T.J. D/o K.Thankappan Nair  
414 Sewa Bhavan, CEA, Elect.Schemes Dte  
R.K.Puram, New Delhi

63. Miss Kiran Saini d/o Shri J.R. Saini  
409 HED Dte, Sewa Bhavan, CEA R.K.Puram  
New Delhi-66

64. Mrs. Neelam Bali w/o Shri Arvind Bali  
414 Sewa Bhavan, CEA Switch Yard Dte  
R.K.Puram, New Delhi-66

65. Shri Kamal Sethy s/o Shri Prem Chand Sethy  
416 W.C.Dte, CEA Sewa Bhavan, R.K.Puram  
New Delhi-66

66. Shri Rajeev Varshney s/o Sh. S.C.Varshney  
412 CEA Sewa Bhavan, R.K.Puram  
New Delhi-66

( BY Shri K. K. Khurana, Advocate )

....APPLICANTS

1. Union of India  
Through the Secretary  
Govt. of India  
Ministry of Energy  
Shashtri Bhavan  
New Delhi
2. The Secretary  
Ministry of Finance  
New Delhi
3. Central Electricity Authority,  
Through its Chairman  
Sewa Bhavan  
R.K.Puram, New Delhi

( By Shri Madhav Panikar, Advocate ) ... RESPONDENTS

-Versus-

( By Shri Madhav Panikar, Advocate ) ... RESPONDENTS

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2) D.A. NO. 193/1992

S/Shri

1. Amrik Singh S/O Gurnam Singh,  
HTD-VI, Room No. 703, CEA,  
R.K.Puram, New Delhi.
2. B. Vishwanath S/O G. Basavaraj,  
PC-III, Directorate, CEA 914 (S),  
Sewa Bhawan, New Delhi.
3. Smt. Anita Verma W/O Hemant Verma,  
HTD-I Directorate, CEA 705 (N),  
Sewa Bhawan, New Delhi.
4. Kunhimole P HCM-III Dir., CEA,  
605, Sewa Bhawan, New Delhi.
5. Swapan Roy S/O Sudhir Kumar Roy,  
HCM-I, CEA Sewa Bhawan, R.K.Puram,  
New Delhi.
6. Smt. Sharda Prasad W/O S. Prasad Kandi,  
M-2798, D-II Flats, Netaji Nagar,  
New Delhi-110023.
7. Rajesh Kumar Dagore S/O P. C. Dagore,  
HCM-I, CEA Sewa Bhawan, R.K.Puram,  
New Delhi-110066.
8. Krishna Kant Neema S/O Late  
Ramchandra Neema,  
CEA HTD-VII DTE, 315 Sewa  
Bhawan, R. K. Puram,  
New Delhi.
9. A. V. Shukla S/O V. N. Shukla,  
Room No. 613. WT&WS Dte.,  
CEA Sewa Bhawan, R.K.Puram,  
New Delhi.
10. B. S. Verma S/O Ram Charan Singh,  
CEA PSP-II, Room No. 309,  
Sewa Bhawan, R.K. Puram,  
New Delhi-110066.
11. Subhash Chand S/O R. C. Aggarwal,  
CEA HTD-V, 313, Sewa Bhawan,  
R.K. Puram, New Delhi.
12. Subodh Kumar S/O Som Dutt Tyagi,  
PC-II DTE, Room No. 712, CEA,  
Sewa Bhawan, R.K.Puram,  
New Delhi.
13. N. K. Gopalkrishnan S/O S.K.Swamy,  
No.710 MH DTE, CEA, Sewa Bhawan,  
R.K. Puram, New Delhi.
14. Pratik Mazumdar S/O K.C.Mazumdar, TA  
Co-ordination, CEA, Sewa Bhawan,  
R.K. Puram, New Delhi.

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15. Mahendra Kumar S/O Kirhan Singh, HCM-II DTE, CEA Sewa Bhawan, R.K.Puram, New Delhi.
16. Giriraj Kishor, 179 Gujjar Katra, Shahdra, Delhi-32.
17. P. K. Murthy NEREB, CEA, Meter Factory, Shillong.
18. M. Hussain, NEREB, CEA, Meter Factory, Shillong,
19. Devroop Singhvi S/O B.C.Singhvi, HTD-I DTE, CEA, R.No.715, Sewa Bhawan, New Delhi.
20. Suresh Babu N. S/O K. Narayanan, TA, Tech-Services DTE, CEA R.No.715, Sewa Bhawan, R.K.Puram, New Delhi.
21. Ms. Seena S. Babu D/O E. Kumaran, Plan Progress DTE, Room No.204, CEA, Sewa Bhawan, R.K.Puram, New Delhi.
22. Arun Kumar Sharma S/O S. C. Sharma, 1180, S-7, R.K.Puram, New Delhi.
23. V. Satyanarayana S/O V. Narasimha Rao, 27, SREB, Race Course Road, Bangalore-9.
24. N.R.C. Babu S/O N. Narayan, TA, SREB, 29 Race Course Road, Bangalore-9.
25. Ms. Shamreena C. D/O C.P.Thimothy, 29 SREB, Race Course X Road, Bangalore-9.
26. D.V.Rao S/O D. Venkaterawalu, RLDC, SREB, 29 Race Course Road, Bangalore-9.
27. Abraham Verghese S/O Thomas Verghese, SREB, 29 Race Course Road, Bangalore-9.
28. Thomas K. Chako S/O Thomas K. Chako, R.P.S.O. Bangalore.
29. S. Jayaraman S/O K. Sethuraman, TCM-II, CEA, Room No.615, Sewa Bhawan, R.K.Puram, New Delhi.
30. Anil Kumar Bhayana S/O B.O.Bhayana, HTD-V, Room No.313, CEA, Sewa Bhawan, R.K. Puram, New Delhi. ... Applicants

( By Shri K. K. Khurana, Advocate )

-Versus-

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1. Union of India through  
Secretary, Govt. of India,  
Ministry of Energy,  
Shastry Bhawan,  
New Delhi.
2. The Secretary,  
Ministry of Finance,  
New Delhi.
3. Central Electricity Authority,  
through its Chairman,  
Seva Bhawan, R.K.Puram,  
New Delhi. ... Respondents

( By Shri M. K. Gupta, Advocate )

ORDER (ORAL)

Shri A. V. Haridasan, V.C.(J) :-

Since the facts, circumstances, issues and questions of law involved in both these applications are identical, these two cases are being heard and disposed of by this common order.

2. The two sets of applicants in these two cases are Technical Assistants, now re-designated as Technical Officers, working under the 3rd respondent, the Central Electricity Authority. The recruitment qualification to the post by direct recruitment is a degree in engineering. The pay scale attached to the post of Technical Assistant on the acceptance of the recommendations of the 2nd Central Pay Commission was Rs.250-425 with additional special pay at the time of initial recruitment. At that time the pay scale attached to the post of Assistant (CSS) and Stenographer Grade 'C' (CSS) was only Rs.210-425, and that of Draftsman Grade-I (formerly Senior Draftsman) was Rs.205-280. On the recommendations of the 3rd Central Pay Commission, the pay scale of Technical Assistants was revised to Rs.550-20-650-25-700 whereas the pay scale of

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Assistants (CSS) and Stenographers Grade 'C' (CSS) was revised to Rs.425-15-500-EB-15-560-20-700-EB-25-800, and that of the Draftsman Grade-I was revised to Rs.425-700. On the recommendations of the 4th Central Pay Commission the pay scale of Technical Assistants was revised to Rs.1600-2660 whereas the pay scale of Assistants (CSS) and Stenographers Gr.'C' (CSS) was revised to Rs.1400-2600 and that of Draftsman Grade-I was revised to Rs.1400-2300. The pay scale of the Draftsman Grade-I came to be revised from Rs.1400-2300 to Rs.1600-2660 in tune with the revised pay scales of Draftsman Grade-I in the C.P.W.D. pursuant to an award by the Central Board of Arbitration. The pay scale of Assistants (CSS) and Stenographers Grade 'C' (CSS) was also revised from Rs.1400-2600 to Rs.1640-2900 pursuant to an order passed by the Tribunal in O.A. No. 1538/87 and on a reference to the Anomalies Committee. The grievance of the applicants is that though they have higher educational and professional qualifications and are by the nature of their duties shouldering duties and responsibilities of a much higher degree than that of the Assistants, Stenographers Grade 'C' and Draftsman Grade-I, they are continued in the pay scale of Rs.1600-2660 while the revision of pay scale <sup>was</sup> in their case <sup>also</sup> not only justified but absolutely essential. The applicants allege that all along in the Department the Assistants and Stenographers were considered as holding a post lower than that of the Technical Assistants and to give them higher scale of pay while retaining the applicants in lower <sup>which</sup> pay scale is <sup>only</sup> unjust, irrational and opposed to

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the principles of equality enshrined in Articles 14 and 16 of the Constitution. The applicants further allege that while officers of other departments of equivalent grade are getting a much higher pay scale than the applicants, the denial to them of a similar treatment is opposed to the principles of equal-pay-for-equal-work incorporated as a directive principle of State policy in Article 39-D of the Constitution.

3. Finding that the pay scales of Assistants (CSS), Stenographers Grade 'C' (CSS) and that of Draftsman Grade-I have been revised and that the respondents did not take care to revise their pay scales, the applicants made a representation to the 3rd respondent on 22.11.1990. Finding no response in spite of hopefully waiting for quite some time, the applicant filed these two applications. In O.A. No. 193/92 the applicants have prayed for a direction to the respondents to revise their pay scale as has been done in the case of other employees working in other organisations and for a declaration that the applicants are entitled to the upgraded pay scale of Rs.2000-3200 w.e.f. 1.1.1986 with consequential benefits, and in O.A. No. 2231/91 the applicants have prayed for a direction to the respondents to implement the office memorandum No. 2/1/90-CSIV dated 31.7.1990 w.e.f. 1.1.1986 with consequential benefits and for a declaration that the applicants are entitled to be given the benefit of revised pay scales as has been done in the case of Assistants (CSS), Stenographers Grade 'C' (CSS) and Draftsman Grade-I w.e.f. 1.1.1986. The Office memorandum dated 31.7.1990 is the one by which the pay scale of Assistants and Stenographers Grade 'C' was revised.

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4. The respondents have filed a detailed reply statement in both these cases. They have contended that the pay scale of Assistants and Stenographers Grade 'C' has been revised on the recommendations of an Anomalies Committee pursuant to the directions contained in the judgment of this Tribunal in C.A. No. 1538/87. The applicants who do not come within the category are not entitled to claim any benefit on that basis. Regarding the higher pay scale granted to Draftsman Grade-I, it is contended by the respondents that the same was on the basis of an award of the Central Board of Arbitration and as the case of Technical Assistants was not referred to the Board, the applicants are not entitled to claim any benefit on that basis. The allegation that the retention of the Technical Assistant's post in the pay scale of Rs.1600-2660 amounts to denial of equal-pay-for-equal-work and that it is irrational and unreasonable is refuted by the respondents. However, they have indicated that the grievance of the applicants has been brought by the respondents to the notice of the 5th Central Pay Commission which is expected to come out with its report without much delay. Therefore, the respondents contend that these applications have only to be dismissed.

5. When these applications came up for final hearing, the learned counsel on either side agreed that the applications can be disposed of with appropriate directions to the respondents to consider the grievance of the applicants and give a reasoned order irrespective of the recommendations of the 5th Pay Commission.

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6. In the light of the above submission by the learned counsel on either side, we dispose of these two applications with a direction to the respondents to consider the grievances brought by the applicants in their representation as also the allegations made in this application and to take an appropriate decision within a period of three months from the date of communication of a copy of this order notwithstanding the fact the matter has been referred to the 5th Central Pay Commission. We would also like to observe that while considering the representation the respondents will take into consideration the educational qualifications required for appointment to the post, the nature of duties and responsibilities attached to the post and the pay scales prevalent for equivalent grades in other departments. There shall be no order as to costs.

R. K. Hooja  
( R. K. Hooja )  
Member (A)

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

/as/