

(12)

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,
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New Delhi.
 2. Sharwan Kumar S/O Dr. B. D. Varshney,
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New Delhi.
 3. L. Satyanarayana S/O L. Ramamurthy,
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New Delhi.
 4. Absar Ahmad S/O Iftikhar Ahmad,
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 6. C. P. Jain S/O Magan Lal Jain,
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 12. Ram Charan S/O R. P. Singh,
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13. Shri Kamal Khemchandani s/o Sh. H.T. Khemchandani
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15. Miss Bhagya Lakshmi S. s/o Shri G.S. Pillai
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17. Shri Dipti Mal s/o Shri Chawal Singh
Training & Man Power Directorate
41 Community Centre, Vasant Lok, Vasant Vihar
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18. Shri S. Suryanarayana s/o late Shri Satyam
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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
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23. Miss Mariamma John d/o Shri P.J. John
206, FEDI, CEA, Sewa Bhawan, R.K. Puram, New Delhi
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914 T.P.Directorate, CEA, Sewa Bhavan, R.K. Puram
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25. Shri P. Parthasarathy s/o Mr. N. Peromal
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26. Shri B.L. Acharya s/o Shri B.P.Acharya
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32. Shri Koduro Swami Babu s/o Shri Thiropathi Rao
H.P.I.M.DTE, CEA, sewa Bhawan, R.K.Puram
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36. Shri Ashish Goel s/o Shri R.C.Goel
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37. Shri V.Sitaramaraju s/o V.Subba Raju
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38. Shri P.Esther Kamala w/o Mr. P.J.P. Prabhakar
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39. Shri Rajesh Kumar s/o Shri Moti Lal
R.No.709, M.H. Dte, CEA, Sewa Bhawan
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40. Shri P.J. Rathod s/o Shri J.F.Rathod
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R.No.714 GDA Dte, CEA, Sewa Bhawan R.K.Puram
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48. Shri Y.M. Khare s/o Shri S.C. Khare
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51. Shri Gopinadhan Pillai s/o Sri G. Kesava Pillai
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52. Shri Navendra Singh s/o Shri Nathi Singh Chauhan
405 HEPR Dte, CEA Sewa Bhawan, R.K. Puram
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53. Shri Om Parkash Chhibber s/o Shri Ram Nath Chibber
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54. Shri Rakesh Kumar Sarotriya s/o Shri Gopi Lal
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412, Sewa Bhawan, Unit C&I, Dte/CEA, R.K. Puram
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57. Shri Khurshid Baig s/o late Mustaqim Baig
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- 60. Shri Sunny Pabraham s/o Sh.P.C.Abraham
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- 61. Mrs. Navneeta Verma w/o Pradeep Verma
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- 62. Miss Jayashree T.J. D/o K.Thankappan Nair
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- 63. Miss Kiran Saini d/o Shri J.R. Saini
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- 64. Mrs. Neelam Bali w/o Shri Arvind Bali
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- 65. Shri Kamal Sethy s/o Shri Prem Chand Sethy
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- 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-

60. Shri Sunny Pabraham s/o Sh.P.C.Abraham
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2) O.A. NO. 193/1992

S/Shri

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11. Subhash Chand S/O R. C. Aggarwal,
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12. Subodh Kumar S/O Som Dutt Tyagi,
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13. N. K. Gopalkrishnan S/O S.K.Swamy,
No.710 MH DTE, CEA, Sewa Bhawan,
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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,
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18. M. Hussain, NEREB, CEA,
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19. Devroop Singhvi S/O B.C.Singhvi,
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30. Anil Kumar Bhayana S/O B.D.Bhayana,
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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,
Shastri Bhawan,
New Delhi.
2. The Secretary,
Ministry of Finance,
New Delhi.
3. Central Electricity Authority,
through its Chairman,
Sewa 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 in their case ^{was} also 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 pay scale is ^{which} ~~only~~ 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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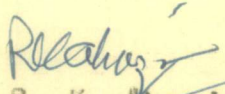
4. The respondents have filed a detailed reply statement in both these cases. They have contended that the pay scale of Assistants and Stenographers Grade 'C' has been revised on the recommendations of an Anomalies Committee pursuant to the directions contained in the judgment of this Tribunal in O.A. 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.

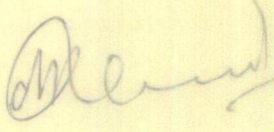
5. When these applications came up for final hearing, the learned counsel on either side agreed that the applications can be disposed of with appropriate directions to the respondents to consider the grievance of the applicants and give a reasoned order irrespective of the recommendations of the 5th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


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

/as/