

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
HON. DR. A. VEDAVALLI, MEMBER (J)
HON. SHRI R.K. AHOOJA, MEMBER (A)

O.A. NO. 2675/1991

NEW DELHI, DATED THIS 12th DAY OF AUGUST 1997

1. Pahlag F. Ahuja
s/o Shri Fateh Chand
Ret(P.F. Ahuja) LSG
Retired
New Delhi Stg Mail,
New Delhi.
2. Mohan Lal II
s/o Ram Chander
Ret. New Delhi
Stg Mail
DV New Delhi. PSON Delhi.
3. Avtar Singh
s/o Buadita Mal.
N. Delhi Stg Mail LSG
Dv. N. Delhi.
PSON Delhi.
4. Govardan Parsad
s/o Salig Ram ,
N. Delhi Stg Mail LSG
Dv. N. Delhi. PSON Delhi,
5. Balbir Singh II
s/o Bhagwan Singh
New Delhi Stg Mail LSG
Dv. New Delhi.
6. Chatur Bhuj Davadi
Shri Surya Bhan Devidi,
New Delhi Stg. LSG
Dv. N. Delhi
PSON Delhi.
7. Damodar,
Shri Ram Pati,
New Delhi Stg Mail LSG
Dv. New Delhi.
PSON New Delhi.

contd...

8. Sh. Subashchander IV
s/o Shri Sunder Dass,
LSG IV
Delhi Stg Mail Div.
New Delhi.
PSON Delhi.

9. R.N. Kureel
s/o Ayodhya Parshad
LSG,
New Delhi Stg Mail,
Div. New Delhi.
PSON Delhi.

10. Karam Narain II
SLG S/O NATHU RAM
New Delhi Stg Mail,
Div. New Delhi.
PSON Delhi.

11. Jagan Nath s/o Sh. Devi Datt,
LSG IV
New Delhi Stg Mail,
Div. N. Delhi.
PSON Delhi.

12. Karatilal s/o Jawala Dass
LSG
New Delhi Stg Mail,

13. Raghbir Singh II
s/o Sukhi Lal,
LSG II
New Delhi Stg Mail Div,
New Delhi.

14. Babu Singh II
Shri Nandlal
II LSG,
New Delhi Stg Mail,
Div. New Delhi.
PSON Delhi.

15. Balmukand
s/o Raghwa Nand ,
LSG,
New Delhi Stg Mail,
Div. New Delhi.

16. Arjan Singh
s/o Babu Singh,
LSG
New Delhi Stg Mail Dv.
New Delhi.

17. Prame Pal Singh
s/o Basant Ram,
Retired LSG
New Delhi Stg Mail.
Dv. New Delhi.

18. Jaswant Ray
s/o Roop Chand
Retired LSG
New Delhi stg Mail
Dv. New Delhi.

19. Y.P. Kumar
s/o L. Kumar
Retired HSG,
New Delhi Stg Mail Dv.

20. Sansar Chand II
Shri Milkhi Ram,
Retired H.S.G.
SRM Delhi stg Mail,
New Delhi- 11006.

21. R.D. Narula
s/o Nirmal Dass,
LSG,
New Delhi Stg Mail,
Dv. New Delhi.

22. Ujagar Singh
s/o Inder Singh
Retired LSG
New Delhi Stg Mail,
Dv. New Delhi.

23. ~~Ugar~~ Asha Ram
s/o Asha Ram.
N Delhi Stg Mail,
Dv. New Delhi.

24. Shri H.R. Shami,
s/o ~~Inder~~ Singh
New Delhi stg Mail Dov.
New Delhi.

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On

25. Kehar Singh
s/o Shri Ram,
LSG
New Delhi Stg Mail,
New Delhi.

26. R.S. Rathi ,
Shri Sardara Singh Rathi,
LSG,
New Delhi Stg Mail,
New Delhi.

27. Prame Narain Mishra
s/o Jokhan Pd. Mishra,
LSG,
New Delhi Stg Mail,
Dv. New Delhi.

28. Mukat Lal,
s/o Chokkey Ram,
LSG,
New Delhi Stg Mail,
Dv. New Delhi.

29. Moolchand II,
S/o Girdhari Lal,
LSG Retired
New Delhi Stg Mail Dv.
New Delhi.

30. J.K. Gotam
s/o Dwarka Parasad,
LSG,
New Delhi Stg Mail,
Dv. New Delhi.

31. Satnarain Attri,
S/o Shri Lal Ram Attri,
LSG.
New Delhi Stg Mail,
Dv. N. Delhi.

32. K.C. Gofas
s/o Shri Sita Ram,
LSG,
N. Delhi Stg Mail,
Dv. N. Delhi .

33. Surinder Singh I
s/o Gurdas Singh
LSG
New Delhi Stg Mail
New Delhi.

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34. Fazlu Rahman
s/o Mohamad Saieed,
New Delhi Stg Mail, LSG,
Div. New Delhi.

25

35. Jai Singh I
s/o Shri Bhana Ram,
LSG,
New Delhi Stg Mail,
Dv. New Delhi.

28

36. Jagdish Prasad SARMA
s/o Mihi Lal Sharma,
LSG,
New Delhi Stg Mail
Dv. New Delhi.

37. Shivajee Bhagat
S/o Shri Hari Charan, Bhagat,
LSG,
New Delhi Stg Mail,
New Delhi.

38. Motilal II
s/o Bal Kishan,
LSG,
New Delhi Stg Mail,
Dv. New Delhi.

39. Siya Ram,
Shri Khuman Singh,
LSG,
New Delhi Stg Mail,
Dv. New Delhi.

40. Avtar Singh V,
s/o Shri Rattan Singh
LSG,
New Delhi Stg Mail,
New Delhi.

41. Kartar Chand
s/o Dewan Chand,
LSG.
New Delhi Stg Mail,
Dv. N. Delhi.

42. Sohan Lal Gill.
S/o Sadhu Ram,
LSG,
New Delhi Stg Mail,
Dv. New Delhi.

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Dr

43. Kirpal Singh II
 s/o Banshi Singh,
 LSG,
 New Delhi Stg Mail,
 Dv. New Delhi.

44. Shamsher Singh
 s/o Ran Singh,
 LSG,
 New Delhi Stg Mail,
 Dv. New Delhi.

45. Wazir Chand.
 S/o Tulsidass,
 LSG,
 New Delhi Stg Mail,
 New Delhi.
 N. Delh RMS

46. Hirday Ram
 s/o Nanwalmal
 LSG,
 New Delhi Stg Mail,
 Dv. New Delhi
 PSON Delhi)

47. Kishan Chand Spalia
 S/o Kewal Ram.
 LSG,
 New Delhi Stg Mail.
 Dv. New Delhi.

48. RajKumar III
 s/o Mela Ram,
 LSG,
 New Delhi Stg Mail,
 Dv. New Delhi.

49. Hargian Singh
 S/o ~~Ran~~ Singh
 LSG,
 New Delhi Stg Mail
 DV. New Delhi. 1
 PSO N Delhi Office)

50. Shiv Ram II
 s/o Harchand
 LSG,
 New Delhi Stg Mial,
 Dv. New Delhi.

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On

51. K.N. Sankla
s/o Sohan Lal,
LSG,
HRO
Delhi Stg Mail,
Dv. Delhi 11006

52. Mahesha Nand
s/o Bal Ram.
LSG
New Delhi Stg Mail,
Dv. New Delhi.

53. Satyapal Singh, ^{PAWAR} Hukam Singh,
Retired LSG,
New Delhi Stg Mail,
Dv. New Delhi 11001.

54. Sant Ram Bhardwaj
s/o Ramkeshan
LSG.
New Delhi Stg Mail. Dv.
New Delhi 110001

55. Mangumal
s/o Kiroi Mal,
New Delhi Stg Mail,
Div. New Delhi 110001

56. Manohar Lal II
s/o Bhagwan Dass
LSG.
New Delhi Stg Mail Dv.
New Delhi.

57. Majidali
s/o Hamidali
LSG.
New Delhi Stg Mail,
Dv. New Delhi 10001.
New Delhi. RMS.

58. Joginder Singh, III
s/o Narain Singh,
LSG,
New Delhi Stg Mail,
Dv. New Delhi.

59. Baldev Raj, SARMA II
Kesho Dass, SHARMA
New Delhi Stg Mail
Neq Delhi.

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60. Desraj ~~I~~ II
s/o Ladharam,
LSG
New Delhi Stg Mail,
Dv. New Delhi .

61. Kanhyalal II
s/o Mohan Lal,
LSG,
New Delhi Stg Mail
New Delhi.

62. Kanwar Ram
s/o Dharamram,
LSG,
New Delhi Stg Mail
Dv. New Delhi.

63. Shiv Parsad I
s/o Lila Ram,
LSG,
New Delhi Stg Mail,
Dv. N. Delhi .
New Delhi RMS:

64. Wisram Dass
s/o Datalatram,
New Delhi Stg Mail Dv.
New Delhi.1.

65. Sukhpal Singh,
s/o Kaley ~~Singh~~ Singh,
LSG,
New Delhi Stg. Mail,
New Delhi.

66. Sarji Ram II
s/o Khem Karan,
New Delhi Stg Mial Dv.
New Delhi.

67. O.P. Sharma ~~I~~ II
s/o Nathu Ram Sharma
SLG.
New Delhi Stg Mail Dv.
New Delhi.

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68. Mathurs. Dutt **SARMA**
s/o Handut Sharma
LSG
New Delhi Stt. Mail Dv.
New Delhi.

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69. Kirpa Ram
s/o Nank Chand,
LSG,
New Delhi Stg. Mail Dv.
New Delhi.

70. Manchar Lal Sharma,
s/o Chhotey Lal,
Ret. LSG,
New Delhi Stg. Mail Dv.
New Delhi.

71. Kedar Nath
s/o Shyam Sunder,
LSG,
New Delhi Stg. Mail Dv.
New Delhi. RMS

72. K.N. Mehra
s/o L xmi Narain, Mehra,
Ret. LSG,
New Delhi. sgt. Mail Dv.
New Delhi.

73. Smti S.D. Sood,
w/o Kailash Kumar,
LSG,
New Delhi Stg Mail Dv.
New Delhi.

74. Shri Ram I
Ret. LSG,
New Delhi. Stg Mail Dv.
New Delhi.

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On

75. Mahabir Pd. ^{IV}
S/o ChanderBhan,
LSG,
New Delhi Stg Mail Div.
New Delhi.

76. Sukh Ram Pal, ^{TEVITHIYA}
s/o Kirtram,
Tevithiva,
LSG,
New Delhi sgt Mail Dv.
New Delhi.
New Dehi stg office)

77. Mohan Lal IV.
S/o Shiv Lal,
LSG,
New Delhi Stg. Mail Dv.
New Delhi.

78. Shiv Kumar ^{II}
s/o Nand ^{AP},
LSG,
New Delhi ^{Stg}

79. Satyanarain
s/o Jagdish Prasad,
LSG,
New De~~h~~hi Stg. Mail Dv.
New Delhi.

80. Jugender Singh IV,
s/o Durga Singh,
LSG,
New Delhi Stg. Mail Dv.
New Delhi.

81. Kitab Singh
s/o Pala Ram,
LSG,
New Delhi Stg.
Mail Dv, New Delhi.

82. Bansi Dhar,
s/o Kishor Lal,
New Delhi Stg. Mail,
New Delhi.

contd.

On

83. Nand Kishore ~~Sharma~~, 34
s/o Prashal ~~AL~~

~~Sharma~~,
LSG,

New Delhi Stg. Mail,
New Delhi.

84. Ram Avtar ~~Sharma~~ II
s/o Mahadev ~~Pat~~ ~~Sharama~~,
New Delhi Stg Mail Dv.
New Delhi.

85. Ramujagar ~~Singh~~
s/o Madho ~~Pras~~hd,
New Delhi Sgt Mail Dv.
New Delhi.

86. Somanth Miglani
s/o Sh. Ram Rang,
Miglani,
New Delhi. 1.
New Delhi Stg. New Delhi.

87. Ram Saran ~~Singh~~
s/o Chandan ~~Singh~~,
New Delhi Stg Mail Dv.
New Delhi. 11001.
New Delhi Sgt. New Delhi.

88. Krishan Lal, IV
s/o Jhaman ~~Singh~~,
ARVA,
New Delhi Stg Mail Dv.
New Delhi. 110001.
PSO N Delhi.

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89.

Gokul Prasad
S/o Roshan Singh
New Delhi Stg. Mail dv.
New Delhi.

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90.

Surinder Singh Rana
B.S. Rana
New Deli Stg. Mail Dv.
New Delhi.

91.

All India Association of
Postal Supervisors, General (Line)
Through General Secretary
CHQ 168 Mandavi,
Fazilpur, Delhi-92.

All petitioners through Shri Surinder
Singh, authorised respondents

...Applicants

(By Advocate - Ms. S. Janani)

VERSUS

1.

Union of India, through
Ministry of Communication
New Delhi.

2.

The Secretary
D/o Personnel & Training
North Block
New Delhi.

3.

Secretary
Ministry of Finance
Department of Expenditure
New Delhi.

4.

Post Master General
Delhi Circle
New Delhi.

...Respondents

(By Advocate - Shri V.S.R. Krishna)

ORDER

R.K. AHOOJA, MEMBER (A)

The applicants who are working in the Lower Selection Grade (hereinafter referred to as LSG) in the Railway Mail Service and Post Office under the Director General, Department of Posts, in the scale of Rs.1400-2300,

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seek the scale of Rs.1640-2900 in pursuance of the recommendations of the IVth Pay Commission.

2. The case of the applicants in brief is that the feeder post to the post of LSG is sorting Assistant and Postal Assistant. Prior to 1983, the appointment to LSG was by direct recruitment on the basis of a written examination. An agreement was however reached between the officers side and staff side of the P&T Department in the JCM regarding introduction of one time bound promotion. As per this agreement, the requirement of the examination was completely dispensed with and all Post Assistants, Sorting Assistants and Office Assistants, P.O. and RMS Accounts were held to be entitled to the pay scale of higher grade of LSG on completion of 16 years of service, their pay being fixed under the provisions of FR 22C. Prior to the implementation of the IV Pay Commission recommendations, the pay of LSG was Rs.425-640. After the IVth Pay Commission the LSG were granted the replacement scale of Rs.1400-2300. The applicants submit that this scale is inconsistent with their classification, nature of duties and in comparison to other grades who were prior to revision of pay scales either at par with them or in a lesser pay scale. There has thus been an anomaly in the fixation of their post-IVth Pay Commission scales. The applicants pointed out that the Central Secretariat Service (referred to as CSS) Direct Recruit Assistants Association filed an O.A. No.1538/1987 wherein it was contended that the fixation of pay scale of Rs.1400-2600 for the post of Assistants in the CSS on the basis of IV Pay Commission recommendations was illegal and arbitrary. The Tribunal concluded that there was indeed an anomaly and as such the Union of India was directed to

37

refer the same to the Anomaly Committee in accordance with the procedure laid down in the O.m. dated 25.1.1988. As a result of this decision of the Tribunal, the Assistants and Grade 'C' Stenographers of CSS were granted the revised pay scale of Rs.1640-2900 against the pre-revised scale of Rs.425-800. The same pay scales were also made applicable to Assistants and Stenographers in other organisations like Ministry of External Affairs which were not participating in the CSS but where the posts are in comparable grades with same classification and pay scale and the method of recruitment open competitive examination. The pay scale of Assistants in the Directorate General of Supplies and Disposal under the Department of Supply was also fixed in the scale of Rs.1640-2900. The Sub-Inspectors of Police in the U.T. of Delhi whose pre-revised scale was Rs.425-640, the same as that of the applicants, was also revised to Rs.1640-2900. The pay scales of Junior Telecom Officers (referred to as JTOs) in the Department of Telecommunication in the pre-revised scale of Rs.425-700 was also fixed at Rs.1640-2900. The applicants allege that though the pay scales of Assistants, Stenographers Grade 'C' of CSS, as well as Sub-Inspectors, JTOs etc. were similar to that of the applicants, the former were given a higher pay scale of Rs.1640-2900 but the applicants were granted only the scale of Rs.1400-2300. The applicants state that a number of representations were submitted by them to the Government but to no avail. They were therefore left with no alternative but to approach the Tribunal in order to seek a similar direction as was granted in the case of Assistants of the CSS.

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3. The respondents in their reply submit that the LSGs are promoted from the Time Scale Clerks in the scale of Rs.975-1600. The LSG officials are required to perform supervisory duties of a routine and repetitive nature which do not involve any original or innovative thinking. The Assistants and Stenographers in the CSS on the other hand are recruited by promotion from amongst UDCs and by way of direct recruitment through competitive examination. While the qualifications for Time Scale Clerks in the Department of Posts is 10+2, the minimum qualifications for appointment for direct recruitment as Assistants in the CSS is B.A. While the feeder cadre for appointment of LSG is Time Scale Clerks and Sorting Clerks in the time scale of Rs.975-1600, the feeder cadre for promotion as Assistants is UDC cadre which is in the scale of Rs.1200-2040. UDCs are in turn promoted from LDCs who are in the scale of Rs.950-1500. There is a difference in categorisation also, in as much as the Assistants are in Group 'B' and LSGs are Group 'C'. As for the case of Sub-Inspectors of Delhi Police, a conscious decision was taken to upgrade their pay scales in view of the risk involved in performance of the duties due to the law and order problems running in the country. The respondents therefore submit that neither on the basis of entry qualifications nor pay scales of feeder cadres and nor on the basis of nature of duties performed, the applicants have a case for equality with Assistants and Stenographers Grade 'C' of the CSS.

4. We have heard the counsel on both sides. Mrs. Pappu, arguing on behalf of the applicants, submitted that the nature and duties of the post of LSG who are working as Sub-post Masters of small branches and in some bigger branches

(39)

were of an arduous and responsible nature, in no way inferior or less than those of Assistants in CSS. She also ^{stake} informed of the risks involved in the discharge of their duties since quite often the applicants have to deal with large amounts of cash without the help of any security cover. Mrs. Pappu, the 1d. Senior Counsel, submitted that though the Supreme Court has laid down that the courts/Tribunals will not undertake an evaluation of duties and responsibilities of the respective posts, the Tribunal had in fact intervened in the case of Assistants and the directions of the Tribunal had not been changed or set aside by the Hon. Supreme Court. In the circumstances, the applicants are seeking a similar direction so that their case could be properly considered by the Government. She pointed out that after the directions of this Tribunal in the case of Assistants of the CSS, the Assistants of various categories working in other subordinate offices had also obtained similar relief from the Government. In the case of the applicants, the Postal Assistants were in fact the feeder cadre from which their promotions were made to LSG and in that sense the applicants had even a stronger case for grant of the pay scale equal to those of the Secretariat Assistants.

5. Shri V.S.R. Krishna, counsel arguing on behalf of the respondents, relied on the directions of the Supreme Court in the case of UOI VS. P.V. HARIHARAN & ORS. JT 1997(3) 570 and submitted that it is not the function of this Tribunal to interfere with the fixation of pay scales which had to be left to the expert bodies like the Pay Commission. The matter had

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now been considered by the Vth Pay Commission and its report was available. Shri Krishna also submitted an extract of the Vth Pay Commission recommendations in respect of Ministry of Communication, para 62.1, in respect of Postal Branch, to para 62.29. A copy of this extract has been taken on record.

6. We have carefully considered the arguments advanced by the ld. counsel on both sides. The Apex Court has already laid down in STATE OF U.P. VS. J.P. CHAURASIA AIR 1989 SC 19 that it is for the Administration to decide the question whether the posts which very often may appear to be the same should carry equal pay, the answer to which depends upon several factors, viz., evaluation of duties and responsibilities of the respective posts and its determination should be left to expert bodies like the Pay Commission. This conclusion has been emphatically reiterated by the Hon'ble Supreme Court in the case of P.V. HARIHARAN (Supra). In this case, the Supreme Court had occasion to comment adversely on the practice of the Tribunals interfering with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function. The Supreme Court has further observed, "It is the function of the Government 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 misunderstood and misapplied, freely across the board. We

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hope and trust that the Tribunals will exercise due restraint in the matter. Unless a clear case of hostile discrimination is made out, there would be no justification for interfering with the fixation of pay scales."

7. We are not at all persuaded by the arguments of the learned Senior Counsel for the applicants that there is hostile discrimination against the applicants, in as much as similar categories with similar pay scales prior to IVth Pay Commission have been given preferential treatment vis-a-vis the applicants. If one category is able to persuade the Pay Commission that in the nature of its duties and functions it deserves relatively better pay scales, it does not mean that the pay scales of all other categories being similar before the revision should also be upgraded. In that event, the upgradation of the first category will have no meaning. We also do not agree that the Vth Pay Commission has not taken into consideration the case of the applicants. The recommendations of the Vth Pay Commission in regard to Department of Posts are fairly extensive and we notice that they have, in para 62.11 suggested that the pay of the Postal Assistants presently in the scale of Rs.975-1540 be increased to Rs.1320-2040 and given the corresponding replacement scale proposed by the Pay Commission. The Pay Commission has also noticed that Postal Assistants in the scale of Rs.975-1540 are eligible for two time bound promotions to the level of Rs.1400-2300 and Rs.1600-2660 on completion of 16 years and 16 years respectively. The first time bound promotion of Rs.1400-2300 is to the category to which the applicants belong. The Pay Commission has subsequently stated that they "do not recommend any change in the pay scale for the time bound promotions". It is apparent that the case of the

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applicants has been considered by the Vth Pay Commission and their plea for higher pay scale has not been agreed to.

8. It has been urged before us that the recommendations of the Vth Pay Commission which have been referred to above obviously show that there is an anomaly in the case of the applicants. The Vth Pay Commission, it has been argued, recommended a revised pay scale of Rs.1320-2040 ^{for postal annas} with the first time bound promotion to LSG in the scale of Rs.1400-2300. This is however a matter outside the pleadings in the present O.A. and if the applicants so wish, it is open to them to make appropriate representation to the Government. At this stage, we do not consider that we are required to express any views in the matter.

9. In the facts and circumstances of the case and in the light of the above discussion, the O.A. is dismissed. No costs.

R.K. Ahooja
(R.K. AHOOJA)
Member (A)

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

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