

Central Administrative Tribunal
Principal Bench, New Delhi

(12)

O.A.No.1016/95

New Delhi this the 12th day of September, 1995.

Hon'ble Shri S.R. Adige, Member (A)
Hon'ble Dr A. Vedavalli, Member (J)

1. Shri Srigopal
S/o Late Shri Anant Ram
R/o Village Hoshiyar Pur,
P.O. Sarfa Bad, NOIDA,
District Ghaziabad (U.P.)
2. Ghanshyam Dass
S/o Shri Mool Chand,
R/o B-5/6, DDV Hospital Complex,
Hari Nagar,
3. Mrs Rekha Bulani
W/o Mr Ram Bulani,
R/o D-109, Sarojni Nagar,
New Delhi.
4. Shri Tara Pant,
S/o Shri B.D. Pant
R/o 25, Guru Angad Nagar,
Delhi-92.
5. Shri Ilam Chand,
S/o Late Shri Het Ram
R/o D-155, Usman Pur,
Delhi-35.
6. Mrs Sohan Devi,
W/o Shri Chhabil Dass,
R/o E/38, Gotam Nagar,
New Delhi.
7. Mrs Chanda Devi,
W/o Shri S.D.S. Saxena
R/o Sector 9/273, R.K. Puram,
New Delhi-32.
8. Mrs Joginder Kawatra,
W/o Shri Rajinder Singh,
R/o 191, Gotam Nagar,
New Delhi-49.
9. Mrs Ramesh
W/o Shri O.P. Khanna,
R/o B-127, East Kidwai Nagar,
New Delhi.
10. Mrs Rajrani,
W/o Shri S.K. Juneja
R/o B-350, Nehru Vihar,
Timarpur,
New Delhi.

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11. Miss Kiran,
D/o Shri Rattan Chand,
R/o WZ-111 A, Guru Nanak Nagar,
Vikas Puri,
New Delhi.
12. Mrs Rekha,
W/o Mr Krishan Gopal,
R/o F-382 Mahipal Puri,
New Delhi-37.
13. Mrs Anita Jeitly,
W/o Dudhir Jeitly,
R/o 1/6804, East Rotash Nagar,
Shadhran, New Delhi.
14. Mrs Neelam
W/o Shri Yashpal Tanuja,
R/o 223, Indra Vihar,
GTB Nagar, New Delhi.
15. Ms Renu,
W/o Shri Vijay,
R/o 954, Laxmibai Nagar,
Delhi. Applicants

(By Advocate : Shri Ashok Aggarwal)

VERSUS

UNION OF INDIA, THROUGH

1. Secretary,
Ministry of Health & Family Planning,
Nirman Bhavan,
New Delhi.
2. The Medical Superintendent,
Safdarjung Hospital,
New Delhi. Respondents

(By Advocate : Shri M.M. Sudan)

ORDER (ORAL)

(By Hon'ble Shri S.R. Adige, Member (A))

In this application Shri Gopal Sharma & 14 others all working as Telephone operators, in the Safdarjung Hospital (with the exception of Applicant No.1 who has ^A not been promoted as

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monitor) ~~and~~ have prayed for parity in the pay scale with respect to Telephone operators in the P&T department.

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2: The case of the applicants is that they were appointed initially as L.D.C. in the combined seniority list and formed a single cadre. Prior to 1976 they were working as Telephone operators and were paid in the scale of LDC with special allowance of Rs.30/- per month. In 1976 the Cadre of Telephone operators in the Sufdarjund Hospital was separated from the Cadre of the LDC and the payment of special allowance was discontinued to them from that date. They stated that they are performing the same duties and functions of the telephone operators in the P&T department ^{but} while they are in the pay scale of Rs.950-1500, the telephone operators of the P&T department are in the pay scale of Rs.975-1640, and on the basis of ^{the} principle of equal pay for equal work, they claim ~~ing~~ parity in the pay scales with that of telephone operators in the Posts and Telegraphs department i.e. Rs.975-1640 w.e.f. 1.1.1986.

3. The respondents in their reply have contested the O.A. They have pointed out that in other Central Government hospitals such as Lady Harding Medical College, ^{are} telephone operators in the scale of Rs.950-1500 i.e. the same scale which has been granted to the telephone operators working in Sufdarjung Hospital. They have also

stated that the qualifications and nature of duties and responsibilities of telephone operators of the P&T department are different from those telephone operators who are working outside the P&T department, and in this connection have invited our attention to the recommendations of the Third Pay Commission (Annexure I to the reply) wherein it has been stated that the method of recruitment, duties and responsibilities, conditions of work etc of those telephone operators working outside the P&T department differ considerably from those Telephone operators of the P&T department.

4. The applicants in their rejoinder have reiterated the contents of the O.A. and have asserted that the qualifications and nature of duties and responsibilities of Telephone operators of the P&T department are not different from those working outside the P&T department, in as much as the applicants are working round the clock and ambulance services are not only operating outside the telephone system but have to remain in constant contact with the public.

5. We have heard Shri Ashok Aggarwal for the applicant and Shri M.M. Sudan for the respondents.

6. There is no doubt that principle of equal pay for equal work flows from Article 16 of the Constitution but whether 2 posts, should carry

equal pay or not, would require a detailed evaluation of ~~their~~ ^{their} respective duties and responsibilities. The Hon'ble Supreme Court in the State of U.P. Vs T.P. Chaurasia AIR 1989 SC 190 have been pleased to observe that such determination should be left to expert bodies like the Pay Commission, which have the necessary resources, expertise, personnel etc to go into the matter and make comprehensive recommendations. They have further observed that the Courts/Tribunals should ~~not~~ normally accept ^{the} recommendations of the Pay Commissions

7. This O.A. was filed on 12th April, 1991 when the Vth Pay Commission had not been constituted but after the constitution of the Vth Pay Commission vide Notification dated 9.5.94, it is only fit and proper that the Vth Pay Commission recommendations be awaited because as stated above, they have the necessary expertise, resources and personnel to go into this matter in detail.

8. The applicant's counsel Shri Ashok Aggarwal states that the applicants have not yet submitted any representation to the Vth Pay Commission in respect of their claims. In the event that the Vth Pay Commission is still accepting recommendations, the applicants, if so advised, may file a representation to the

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Commission with a copy to their parent department, who if so advised may forward the same to the Commission, with their comments thereon.

9. We dispose of this O.A. accordingly. No costs.

A. Vedavalli

(Dr A. Vedavalli)
Member (J)

S. R. Adige

(S. R. Adige)
Member (A)

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