

(a)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 1839/92

New Delhi: Dated: this the 8th Sept., 1997.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Shri Purnendu Kumar Moulik,
s/o Shri A. K. Moulik

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2. Shri Anil Kumar Jain,
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4. Ms. Madhu ,
D/o Shri K. C. Rajpal,
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5. Shri Kanishk Kumar Sinha,
s/o Shri Gorakh Nath,
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Sector - III,
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6. Shri Ram Dhan,
s/o Shri Rameshwar Dutt,
R/O Vill. & Post Ahmedpur Majjia,
Distt. Sonepat (Haryana)

All are Microphotographist Gr. II
in National Archives of India .

.... Applicants.

(By Advocate: Shri E. X. Joseph)

Versus

1. Union of India through
the Secretary to the Govt,
Ministry of Human Resource Development,
Department of Culture,
Shastri Bhavan,
New Delhi - 1

2. The Director General,
National Archives of India,
Govt. of India,
Janpath,
New Delhi -1

.. Respondents.

(By Advocate: Shri S.M.Arif)

JUDGMENT

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

Applicants who are Asst. Microphotographists Gr.II in National Archives of India, Department of Culture seek merger with Asst. Microphotographists Gr.I and the uniform scale of Rs.1640-2900 w.e.f. 1.1.86.

2. They contend that the 4th Pay Commission recommended that Assistants working against technical jobs and having the pay scales of Rs. 425-700 and Rs.550-900 be merged into the pay scale of Rs.1640-2900 but the department fixed the pay scale of Rs.1400-2300 from Asst. Microphotographists Gr.II in the scale of Rs.425-700 and the pay scale of Rs.1640-2900 from Asst. Microphotographists Gr. I in scale of Rs.550-900. It is contended that the Dept. of Culture has 2 attached offices viz. National Archives and Archaeological Survey of India. It is stated that in Archaeological Survey of India also there were 2 separate pay scales, but consequent to the judgment dated 6.1.89 in OA No.80/87 Dr. SVP Halakatti Vs. UOI & Ors. filed in CAT Hyderabad Bench a merged pay scale of Rs.1640-2900 was ordered. Similarly in OA No.490/90 M.L.Dhusia & Ors. Vs. UOI & Ors the CAT PB by judgment dated 13.3.92 directed that 19 Asst. Archivists

Gr. II of National Archives who were in the pay scale of Rs.425-700 and who were granted post 4th Pay Commission scale of Rs.1400-2300 be given the scale of Rs.1640-2900. It is also contended that in the Central Sectt. Library the old pay scale of Rs.425-700 of Technical Assts. in Repography Unit whose essential qualifications are lower than those for Asst. Microphotographers Gr.II and whose duties, responsibilities and nature of work are similar have been placed in the scale of Rs.1640-2900. It is also contended that the nature of work of Asst. Microphotographers Gr.I and Gr.II is similar and therefore they are entitled to the same pay scale on the principle of equal pay for equal work.

3. We have heard applicants' counsel Shri Joseph and Respondents' counsel Shri Arif. We have also perused the materials on record. In this connection, specific attention has been invited by Shri Joseph to letter dated 21.11.95 from Dy. Director, Archives to the Department of Culture recommending merger of the 2 grades as well as the letter dated 8.6.95 from the Under Secretary to GOI 5th Pay Commission addressed to Dept. of Culture calling for that department's comments on merger of A.M.Gr.II with Gr.I.

4. We note that as per the existing Recruitment Rules, the post of Asst. Microphotographers Gr.II which is a Group 'C' post, forms the feeder grade for promotion to Asst. Microphotographers Gr.I

which is a Group B post. As per Respondents' reply which contains the duties and responsibilities of the two sets of posts, the Asst. Microphotographist Gr.II works under the control and guidance of the Asst. Microphotographist Gr.I and he assists the A.M.Gr.I in certain mobile microfilming work. Applicants in rejoinder no doubt contend that both grades perform identical functions and both work under the technical control and guidance of the Microphotographist scale of Rs.2000-3500, but this fact has not been denied that the Gr.I posts form the promotional posts for those in Gr.II and while one is a Group 'C' post, the other is in Group B.

5. Thus, as per existing Recruitment Rules allowing the OA would result in treating unequal equally which would violate Articles 14 and 16 of the Constitution, besides impinging on the relativities of other pay scales and having a cascading effect.

6. The 5th Pay Commission which was set up in 1993 has since submitted its report which is presently before Govt. Under the circumstances while we find ourselves unable to grant the relief prayed for in view of paragraph 5 above, we hold that the contents of that paragraph shall not stand in the way of any decision that respondents may take on the 5th Pay Commission's recommendations in regard to the pay scale of Asst. Microphotographers Gr.II.

7. The OA is disposed of in terms of paragraph 6 above. No costs.

Lakshmi
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

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