

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 2201 of 1993

New Delhi, dated this the 24th September 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. P.C. KANNAN, MEMBER (J)

1. Directorate of Industries Technical Officers Association through its President Shri C.B. Meshram, Jt. Director Industries.
2. Shri C.B. Meshram, Jt. Director Industries, C/o Mrs. Avnish Ahlawat, Advocate, 243, Lawyers' Chambers, Delhi High Court, New Delhi. ... Applicants

(By Advocate: Mrs. Avnish Ahlawat)

Versus

1. Union of India through Secretary, Ministry of Industry, Dept. of Industrial Development, New Delhi.
2. Secretary, Ministry of Home Affairs, Dept. of Personnel Administrative Reforms New Delhi.
3. Lt. Governor of Delhi through Chief Secretary, Government of National Capital Territory of Delhi.
4. Commissioner of Industries, Government of NCT of Delhi, G.P.O. Building, Kashmiri Gate, Delhi. ... Respondents

(By Advocate: Shri Rajinder Pandita)

O R D E R

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

The claim of applicants who are Assistant Directors, Dy. Directors and Jt. Directors in Directorate of Industries, Government of NCT, Delhi is for parity

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of pay scales with officers of another cadre who are holding the same posts in the Directorate of Industries and similar posts in other Departments of Government.

2. Applicants assert that in 1965 they were drawing a higher pay scale as compared to DANICS Officers at the level of Asstt. Director; Dy. Director as well as Jt. Directors. After the 3rd Pay Commission they were drawing Rs.550-900 as Assistant Director; Rs.700-1300 as Dy. Director and Rs.1100-1600 as Jt. Director while DANICS Officers posted as Dy. Director was drawing Rs.650-1200 plus Rs.100 Special Pay, and those posted as Jt. Director were drawing Rs.1200-1600 plus Rs.150/- special pay. Similarly after the 4th Pay Commission (1986) they were drawing Rs.1640-2900 as Asstt. Director; Rs.2200-4000 as Dy. Directors and Rs.3000-4500 as Jt. Director while DANICS officers posted as Dy. Directors were drawing Rs.2000-3500 plus Rs.200/- Special Pay or Rs.3000-4500 plus Rs.200/- Special pay and those posted as Jt. Director were drawing Rs.3700-5000 plus Rs.300/- Special Pay.

4. Applicants assert that consequent to the recommendations of the 4th Pay Commission the pay of DANICS Officers who are much larger in number was fixed in the initial scale of Rs.2000-3500 with senior scale of Rs.3000-4500 and JAG of Rs.3700-5000. These 3 categories of DANICS Officers are manning the posts of Dy. Director and Jt. Director in scale of Rs.3000-4500 and Rs.3700-5000, whereas applicants who were inducted as Assistant Directors through UPSC and possess minimum qualifications of Engineering graduates were given the scale of Rs.1640-2900 for Assistant Director; Rs.2200-4000 for Dy. Director and Rs.3000-4500 for Jt. Director.

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5. Applicants contend that they had been continually demanding revision in their pay scales viz-a-vis their counterparts in other departments in Government of NCT of Delhi as well as those in Central Government. Their demands were considered by Government of NCT of Delhi and were found to be genuine, and it was felt that they could not be given a scale less than the DANICS Officers who were earlier in a lower scale. In this connection applicants state that their cadre is very small, consisting only of 13 Assistant Directors; 7 Dy. Directors; 2 Jt. Directors; and one Industrial Adviser of whom only ² Assistant Directors; 5 Dy. Directors and three Jt. Directors are in position. Applicants state that despite their inability to get sufficient support for their claim owing to their small number, the Chief Secretary of NCT, Delhi in his d.o. letter dated 13.11.86 (Ann. F) addressed to the Secretary, Ministry of Industries, Government of India strongly recommended the case of the applicants for revision of scales, and after a considerable lapse of time, when Government of India sought to know the financial implications of the same and a detailed justification, that too was provided in 1991 by the Commissioner of Industries, Government of NCT of Delhi in consultation with Finance Dept. and Administrative Reforms Dept. of NCT of Delhi. Inter alia it was mentioned therein that the total financial implications were only approximately Rs. 3.17 lakhs per annum which could be met out of the savings in the budget, which in fact was reduced still further because of the vacancies and the abolishment of the post of Industrial Adviser but despite that, the pay scales were not revised.

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6. Applicants state that meanwhile consequent to the recommendation of the 5th Pay Commission, the pay of the post of Asst. Director has been revised to Rs.6500-10500 which is the replacement scale of Rs.2000-3500 asked for; and similarly the pay of the post of Industrial Adviser (which as per applicants submissions stands abolished) has been fixed in the scale of Rs.12750-16500. However, in respect of the post of Dy. Directors and Jt. Directors there has been no corresponding improvement in pay scale, and despite persistent efforts by the Govt. of NCT of Delhi to recommend revision of pay scales after recognising the genuineness of their claim, the Government of India have turned down the proposals.

7. In this connection our attention has been drawn to Ministry of Industry, Government of India letter dated 31.12.98 addressed to Government of NCT of Delhi, a copy of which is taken on record rejecting the proposal.

8. We have heard both sides.

9. Applicants' counsel Mrs. Ahlawat has pointed out that Government has not even cared to give reasons for rejecting the well considered proposal of Government of NCT of Delhi. She has emphasised that applicants in Directorate of Industries are performing the same duties as DANICS officers in the Directorate and yet are being paid a lower scale, despite their having superior qualifications. She has laid stress on the doctrine of equal pay for equal work and relies on the Hon'ble Supreme Court's judgments in AIR 1992 SC 165; 1993 (Supp) (1) SCC 573; AIR 1989 SC 1215; JT 1988 (3) SC 466; and various other judgments in support of applicants' claim.

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10. Answering Respondents (Govt. of NCT of Delhi) have stated that the revision of pay scales lie within the jurisdiction of the Central Pay Commission and not with them. They have not denied that they have recommended the claim of applicants for revision of their scale to Government of India.

11. Although the Union of India is a party in this O.A. no reply has been filed by them and none appeared on their behalf during hearing.

12. A perusal of the Government of India's letter dated 31.12.98 makes it clear that no reason has been given as to why the proposal of Government of NCT of Delhi in regard to revision of pay scales of applicants (which is now ^{confined} ~~confined~~ to Dy. Director and Jt. Director) has not found favour with them. In view of the fact that Government of NCT of Delhi have repeatedly taken up the case of applicants, they should have been favoured at least with a reasoned reply from Government of India.

13. As consequent to the 5th Pay Commission's recommendations, the claims of applicants are now limited to those holding the posts of Dy. Directors and Jt. Directors of Industries, this O.A. is disposed of with a direction to Respondent No.1 to examine these claims in consultation with other concerned Departments/Ministries of Government of India and in the light of the facts and circumstances

noticed above, communicate a detailed, speaking and reasoned decision thereon in accordance with rules and instructions, to the Government of NCT of Delhi, who in turn will inform applicant Association accordingly as expeditiously as possible and preferably within four months from the date of receipt of a copy of this order. No costs.



(P.C. Kannan)
Member (J)



(S.R. Adige)
Vice Chairman (A)

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