

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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O.A. No.66/93

Date of decision :10.02.1993

All India Supervisory
Staff Association

...Applicants

Versus

Union of India & Ors

... Respondents

CORAM :-

The Hon'ble Mr I.K. Rasgotra, Member (A)
The Hon'ble Mr J.P. Sharma, Member (J)

Counsel for the applicant : Shri Rakesh Luthra

JUDGEMENT (ORAL)

(Delivered by Hon'ble Shri I.K. Rasgotra, Member (A))

This case has come up for admission on 11.1.1993 when it was adjourned for one week to enable the learned counsel to make further submissions. Shri Rakesh Luthra learned counsel today submitted that he would not press for relief No.1 and will only pursue reliefs No.2 & 3. Relief No.2 & 3 are in regard to placing the Section Supervisors working in the subordinate/attached offices in the same pay scale as applicable to the Section Officers in the Central Secretariat on the principle of equal pay for equal work.

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"The Central Government set up The Third Pay Commission

which was presided over by a former Judge of this Court. The Commission took into consideration all relevant facts and circumstances including expert evidence and submitted its report to the government of India recommending revision of pay scales in various government departments including Audit and Accounts Department. The Commission did not accept the representation of the Section Officers of the Audit and Accounts Department to the effect that they were entitled to the same pay-scale as was being recommended for the Section Officers in the Central Secretariat. The pay scale of the Section Officers in the Audit and Accounts Department was recommended to be revised from Rs.270-575 to Rs.500-900 whereas the pay scale of Section Officers in the Central Secretariat was recommended to be revised from Rs.350-900 to Rs.650-1200 and that of the Assistants in the Central Secretariat from Rs.210-530 to Rs.425-800. The aforesaid recommendations of the Third Pay Commission were accepted by the Government of India in consultation with the Comptroller and Auditor General of India. The revised pay scales came into force with effect from January 1, 1973."

It was contended on behalf of the petitioner in Vasudaven Nair Vs. U.O.I. case that the nature of duties and responsibilities attached to their post were the same, if not more honorous as were being performed by the Section Officers in the Central Secretariat. And therefore, it was contended that

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there should be parity in pay scales of two cadres.

After discussing the recommendations of IIInd and IIIrd Pay Commission, which maintained the differential in the two categories, their Lordship came to conclusion that they did not see any force in the claim of the petitioner "rejection their contention for parity in accordance with the principal of equal pay for equal work."

Their Lordship further noted continuing differential in the pay scale of IV Central Pay Commission between Section Officers and Accounts & Audit which have been granted pay scales of Rs.2000-3000 and the Section Officers of Central Secretariat whose pay scales have been revised from Rs.200-3000-500 since they are designated as Assistant Accounts Officer and Assistant Audit Officers.

2. The learned counsel drew our attention to AIR 1990 SC 334 between S.C. Employees' Welfare Association Vs, U.O.I and others. Relying on the above judgement Shri Rakesh Luthra learned counsel submitted that the court barred to intervene in the matter of granting scales of pay, if discrimination coming within the article 14 is established. In other words, if unequal scale of pay is brought about a discrimination within the meaning of Article 14, the case of the petitioner for equal pay for equal work

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would be justified.

The learned counsel submitted that he has filed a statement comparing the duties and responsibilities of the petitioner with the Section Officers of the Central Secretariat. On ^{query} from us whether duties indicated in the chard as per official lis of du ties, the learned counsel stated that he would have to fortify the position.

We have considered the submissions made by the learned counsel for the applicants. The duties and responsibilities of the Section Officers in the Central Secretariat and those in the subordinate /attached offices had come under review of the 4th Central Pay Commission in the recent npast. The 4th Central Pay Commission which was an expert body, however, did not chose to grant pay scale recommended for Sectioin Oficers in Central Secretariat to the Section Officers in the Subordinate/Attached Officers.

3. In K. Vasudevan Nair & Ors. Etc etc Vs Union of India & Ors (Supra) reported in JT 1990(3) scale SC 58 the Hon'ble Supreme Court had dealt with similar issues of law abd fact as would be issue as succinctly stated in paragraphs which reads as under :-

"The question for our consideration is whether the Section Officers working in the Indian Audit and Accounts Department are entitled to the same pay scales as are being drawn by the Section Officers in the Central secretariat."

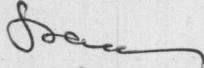
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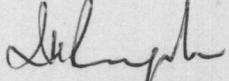
In the above facts and circumstances and bearing
in mind that the matter of pay scales to the Central
Govt employees :-

(i) has been reviewed in the recent past by
the IV Central Pay Commission.

(ii) that in identical circumstances the matter
has come up before the Hon'ble Supreme Court
in K. Vasudaven Nair (Supra) case.

In view of the above we are of the opinion
that this case does not merit admission. Accordingly
the O.A. is dismissed at the admission stage.


(J.P. SHARMA)
Member (J)


(I.K. RASGOTRA)
Member (A)