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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...
OA.No.849/93

New Delhi, this 14th day of October, 1998.

HON BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)
HON BLE SHRI K. MUTHUKUMAR, MEMBER(A)

1. Kanti Deo
Assistant(Legal)
Department of Legal Affairs
Ministry of Law, Justice &
Company Affairs, Shastri Bhawan
NEW DELHI and
R/o Qr. No.357 Sector-VII
Pushpa Vihar, M.B. Road
NEW DELHI-17.
2. Ramayan Yadav
Assistant(Legal)
Department of Legal Affairs
Ministry of Law, Justice &
Company Affairs, Shastri Bhawan
NEW DELHI.
3. K.K. Sharma
Assistant(Legal)
Department of Legal Affairs
Ministry of Law, Justice &
Company Affairs, Shastri Bhawan
NEW DELHI.
4. G.P. Srivastava
Assistant(Legal)
Department of Legal Affairs
Ministry of Law, Justice &
Company Affairs, Shastri Bhawan
NEW DELHI. ... Applicants

By Advocate: None.

versus

Union of India, through

1. The Secretary
Department of Legal Affairs
Ministry of Law, Justice &
Company Affairs
Shastri Bhawan
NEW DELHI.
2. The Secretary
Department of Expenditure
(Implementation Cell)
Ministry of Finance
North Block
NEW DELHI. ... Respondents

By Advocate: None

/s/

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, M(J)

The applicants have impugned the respondents letter dated 14.10.92 rejecting their prayer to be given the pay scale of Rs.2000-3200 with effect from 1.1.86. They rely on the judgment of the Cuttak Bench of the Tribunal in OA.178/90 decided on 17.9.91 (Annexure A-II). In that case the petitioner was working as a Language Laboratory Technician in the Central Institute of Indian Languages under the Ministry of Education and the petitioner was given the pay scale of Rs.2000-3200 with effect from 1.1.86. The applicants herein are working as Assistants (Legal) in the Department of Legal Affairs, Ministry of Law, Justice and Company Affairs. They have stated that the 4th Pay Commission had recommended the pay scale of Rs.1640-2900 in the case of the Assistants (Legal) which according to them was on par with the Language Laboratory Technicians in the Ministry of Education and Recordists in the Film Division under the Ministry of Information and Broadcasting. The applicants have contended that the 4th Pay Commission "for unknown reasons enhanced the pay scale of a Recordist to Rs.2000-3200, whereas the Language Laboratory Technicians got the pay scale of Rs.2000-3200 after approaching the Central Administrative Tribunal, Cuttack in OA.178 of 1990 decided on 17.9.91 and the pay scale of Assistants (Legal) still remains as Rs.1640-2900."

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2. We are unable to agree with the contentions of the applicants that their posts are in parimateria and should be compared with the posts in other Ministries which entails different duties and responsibilities. From the materials on record we are also unable to come to the conclusion that the Recruitment Rules, duties, responsibilities and other service conditions are identical in the case of the applicants with the other posts against which they are claiming parity in pay scale.

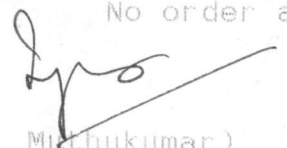
3. The respondents in their reply have also stated that the Recordists in Film Division under the Ministry of Information and Broadcasting were in a higher pre-revised scale of Rs.550-900 as compared to the scale of Rs.425-800 for Assistant (Legal).

4. It is settled law (see State of M.P. & Another Vs. Pramod Kumar Bhartiya & Others, JT 1992 (5) SC 683; State of U.P. Vs. Chaurasia, AIR 1989 SC 19; State of U.P. Vs. Rama Sharma Yadav, 1996 (1) SCC (L&S) 714 and State of Haryana Vs. Ram Chander, JT 1997 (5)SC 2170) that the Tribunals/Courts should not normally interfere in the matter of pay scales on the principle of "equal pay for equal work" unless the applicants fully satisfy that their service conditions are the same, including their qualifications, mode of recruitment, duties and responsibilities etc. In the facts and circumstances of the case, since the applicants have not placed on record the materials for us to come to this

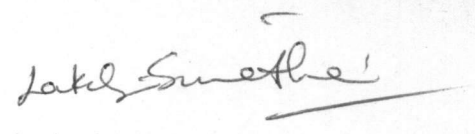
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conclusion, we do not find any merit in this application. In view of the Supreme Court decisions referred to above, the decision of the Tribunal relied upon by the applicants will not assist them and the ~~Order~~ is accordingly dismissed.

No order as to costs.



(K. Muthukumar)
Member (A)



(Smt. Lakshmi Swaminathan)
Member (J)

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