

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

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Dated: Allahabad, the 11th December, 2000

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, JM

Original Application No. 209 of 1997

1. Jata Shankar Tiwari, SK/AC,
S/o Sri M. Tiwari,
at present posted at Service Centre,
District Varanasi.
2. Ranji Mishra, SK/AC,
at present posted at C.S.U. Aurai,
District Bhadohi.
3. Ramfer Mishra, SK/AC,
s/o Sri Lallan Prashad Mishra,
at present posted at C.W.T.C. Bhatpar Rani,
District Deoria.
4. K.K. Gupta, SK/AC,
S/o Sri B.P. Gupta,
at present posted at A.W.T.C. Salempur,
District Deoria.
5. M.S. Prasad, SK/AC,
s/o Sri Rajeshwar Prasad,
at present posted at C.W.T.C. Karahia,
District Gazipur.
6. Arun Kumar Srivastava, SK/AC,
s/o Sri Suraj Prasad,
at present posted at C.W.T.C. Ram Nagar,
District Varanasi.
7. D.K. Singh, SK/AC,
s/o Sri Ratipal Singh,
at present posted at C.S.U.,
District Varanasi.
8. Gopal Prasad, SK/AC,
s/o Sri Hareen Prasad,
at present posted at C.W.T.C., Maviiya Ashapur,
District Varanasi.
9. P.K. Sen Gupta, SK/AC,
s/o late Sri P.B. Sen Gupta,
at present posted at Service Centre,
District Varanasi.

10. R.K. Gupta, SK/AC,
s/o Sri Dayanand Gupta,
at present posted at C.S.U., Sigra,
District Varanasi.
11. Panna Lal, SK/AC,
s/o Sri B.N. Ram,
at present posted at Central Region Office,
District Lucknow.
12. J.P. Singh, SK/AC,
s/o Sri Tilakdhari Singh,
at present posted at C.W.T.C. Palahna,
district Azamgarh.
13. M. Kashyap, SK/AC,
s/o late Sri M.M. Srivastava,
at present posted at C.W.T.C. Khajwan,
District Varanasi.
14. Suresh Chandra Mishra, SK/AC,
s/o Sri Kamla Prashad Mishra,
at present posted at I.C.T.,
District Bhadohi.
15. A.C. Tripathi, SK/AC,
s/o Sri Ayodhya Prasad Tripathi,
at originally posted at C.W.T.C.,
District Ambedkar Nagar.
16. B.K. Srivastava, SK/AC,
s/o Late Sri Sambhu Prasad Srivastava,
at present posted at Service Centre,
District Varanasi.
17. B.M. Gupta, SK/AC,
s/o late Sri V.P. Gupta,
at present posted at A.T.C., Tiloli,
District Ballia.
18. Udit Narayan Tiwari, SK/AC,
Secretary, Office of the Development Commissioner
(Handicraft) Employees Association).
s/o Sri Gajadhar Prasad Tiwari,
at present posted at Central Region Office,
District Lucknow.

19. Devi Shankar Tiwari, SK/AC,
s/o late Sri Ram Nath Tiwari,
at present posted at C.W.T.C. Danta,
District Uttarkashi.
20. Ram Adheen Singh, SK/AC,
s/o Sri Raveendra Nath Singh,
at present posted at C.W.T.C., Bahuara,
District Sonbhadra.
21. Anil Kumar, SK/AC,
s/o Sri Panna Lal,
at present posted at Service Centre,
District Varanasi.
22. Krishna Chandra Tiwari, SK/AC,
s/o Sri Deo Raj Tiwari,
at present posted at Samadh Ganj,
District Jaunpur.
23. Gopesh Kumar Gupta, SK/AC,
s/o late Sri Khilodhar Prasad Gupta,
at present posted at C.W.T.C. Belha,
District Pratapgarh.
24. Rakesh Pratap Singh, SK/AC,
s/o Sri Shankar Singh,
at present posted at C.W.T.C., Navgaon,
District Chhatarpur (MP),
Permanent r/o vill. Joginika, Post Gopiganj,
District Bhadohi (UP).
25. Anwar Ali, SK/AC,
s/o Sri Mishri Lal,
at present posted at Service Centre,
District Varanasi.
26. Mahendra Kumar Gupta, SK/AC,
s/o Sri Heera Lal Gupta,
at present posted at Kasari,
District Allahabad.
27. Ramesh Kumar Verma, SK/AC,
s/o Sri Radha Krishna,
at present poste at C.W.T.S.C.,
District Allahabad.

28. B.R. Maurya, SK/AC,
s/o Sri Manik Ram Maurya,
at present posted at C.W.T.S.C.
District Allahabad.
29. P.N. Tripathi, SK/AC,
s/o Sri Dutta Ram Tripathi,
at present posted at C.W.T.C., Raniganj Azagard,
District Pratapgarh.
30. Rama Pati Dubey, SK/AC,
s/o Sri Ram Ajor Dubey,
at present posted at A.T.C. Belha,
District Pratapgarh.
31. R.A. Dubey, SK/AC,
s/o late Sri Shiv Kumar Dubey,
at present posted at C.W.T.S.C.,
District Allahabad.
32. Paras Nath Mishra, SK/AC,
at present posted at C.W.T.C. Jeevagarh,
District Dehradun.
33. Gopal Giri Goswami, SK/AC,
at present posted at Central Region Office,
District Lucknow.
34. D.C. Pant, SK/AC,
s/o Sri Laxami Dutt Pant,
at present posted at Central Region Office,
District Lucknow.
35. S.K. Shama, SK/AC,
s/o Sri D.S. Shama,
at present posted at Central Region Office,
District Lucknow.
36. P.B.L. Srivastava, S.K./AC,
s/o Sri C.C.B. Prasad,
at present posted at Central Region Office,
District Lucknow.
37. B.C. Joshi, SK/AC,
s/o Sri D.N. Joshi,
at present posted at C.W.T.C. Dugal Khala,
District Almora.

38. P.C. Srivastava, SK/AC,
s/o Sri Heera Lal Srivastava,
at present posted at Central Region Office,
District Lucknow.

39. A.K. Bannerji, SK/AC,
s/o Sri N.G. Bannerji,
at present posted at Central Region Office,
District Lucknow.

40. Mahesh Kumar, SK/AC,
s/o Sri P.L. Thakur,
at present posted at Central Region Office,
District Lucknow.

. Applicants

(By Advocate Sri B.N. Chaturvedi)

Versus

1. Union of India, through Secretary,
Textile Ministry New Delhi.

2. Development Commissioner (Handicraft),
~~West~~ office of the Development Commissioner (Handicraft),
West Block No.7, R.K. Puram, New Delhi.

3. Additional Development Commissioner (Handicraft),
Office of the Development Commissioner (Handicraft),
West Block No.7, R.K. Puram, New Delhi.

4. Regional Director (Central Region),
office of the Development Commissioner (Handicraft),
Central Region Office,
B-46, J-Park, Mahanagar, Lucknow.

. Respondents

(By Advocate Sri Amit Sthalekar)

_O_R_D_E_R_ (Open Court)

(By Hon'ble Mr. S. Dayal, AM)

This application has been filed for a
direction to the Respondents to pay equal salary to
the applicant in the scale of Rs.1200- 2040 as is paid
to Store Keeper.

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2. We have heard Sri B.N. Chaturvedi, counsel for the applicants and Sri Amit Sthalekar for Respondents and considered the pleadings. The case of the applicants is that as Store Keeper-cum-Accounts Clerk they are performing all the responsibilities, which have been assigned to the Store Keepers and yet are being paid less than a Store Keeper. The applicants are in the pay-scale of Rs.950- 1500. It appears that the Respondents had made recommendations to the Vth Central Pay Commission stating that there were 160 posts of Store-Keeper-cum-Accounts Clerk and 85 posts of Store Keepers. The Store-keepers are posted in Advance Carpet Training Centres and Store-keeper -cum- Accounts Clerks in Carpet Weaving Training Centres. Duties and responsibilities of Store keepers and Store keeper-cum-Accounts Clerks are the same. Hence, it was recommended that the post of Store keeper-cum-Accounts Clerk may be upgraded and brought at par with that of Store-Keeper. Another reason given was that as In-charge of a Primary Carpet Weaving Training Centre, Store keeper -cum-Accounts Clerk cannot effectively supervise over the Instructors and Assistant Instructors, who are in the pay-scale of Rs.1200- 2040 and Rs.950- 1500 respectively. We have seen the report of the IVth Central Pay Commission. We find that the IVth Central Pay Commission has not made any recommendations for upgradation of the post of Store keeper-cum-Accounts Clerk.

3. The learned counsel for the Respondents has brought to our attention the fact that the post of Store-keeper is to be filled up by promotion from Store keeper-cum-Accounts Clerk and the post of Store keeper-cum-Accounts Clerk is a direct recruitment post with no requirement of experience, which is necessary for the post of Store-keeper.

4. The learned counsel for the applicant has relied on the law laid down by the Supreme Court in the case of Randheer Singh Vs. Union of India - 1982, SCC, Volume-I, Page 618. This ruling is not applicable in the present case, as it is applicable to cases of unequal scales of pay based on no classification or irrational classification. The classification of the posts in this case as Store-keeper and Store keeper-cum-Accounts Clerk cannot be said to be an irrational classification as Accounts work appears to have been added to storekeeping in smaller institutions of the Respondents.

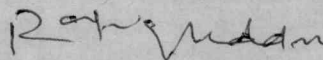
5. The learned counsel for the applicant has relied on the case of Jai Pal Singh Vs. State of Haryana 1988 SCC, Volume 3, Page 354, in which it has been stated that the Government is under the constitutional obligation to ensure that the equal pay is paid for equal work. This ruling is also not applicable to the present case. The Supreme Court in Civil Appeal No. 12756 of 1996- Secretary to Govt. & ors Vs. C. Muthu in SLR Part 1, Vol. 147, Page 191 has laid down as follows:-

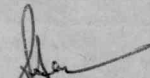
"4. Having regard to the qualifications meant for the posts, the duties and responsibilities, nature of job as well as the mode of recruitment to the two posts, in question, we are unable to subscribe to the view taken by the Tribunal though the responsibilities discharged by the said two posts are similar and as such the post in the Inspectorate should have the same scale of pay as that of the post in the Department of Industries.

5. In granting relief while applying the principle of "equal pay for equal work", the Court or Tribunal should be very circumspect and until and unless it is established that the two posts are almost similar in all aspects, the Court or Tribunal should venture to grant the relief sought for."

The ratio of this case is that when the two posts are borne on two different cadres having different source of recruitment with different qualifications and different scales of pay and the work done cannot be said to be exactly the same, the two posts cannot be considered to be the same, though the responsibility discharged by the two posts is similar. This case before us is covered under Paragraph 4 and we do not find the authority cited by the learned counsel for the applicant to be applicable to the present case.

6. We, therefore, find no merit in the O.A. and the same is dismissed. No order as to costs.


J.M.


A.M.

Nath/