

Reserved:

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Transfer Application No. 1388 of 1987

Prem Shanker Saxena Applicant
Versus
Union of India and Others Respondents

CORAM

Hon'ble Justice U.C. Srivastava, V.C
Hon'ble Mr. K. Obayya, Member(A)

(By Hon. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Upper Division Clerk in Pay and Accounts Office, Ministry of Rehabilitation and joined the post on 30.5.1964. From there he was transferred to Pay and Accounts Office of other Ministry in the same capacity. The post of U.D.C in Pay and Accounts Department was redesignated as Auditors in the year 1970, but the applicant could not be promoted as Section officer, ~~as he~~ passed the subordinate Account services (S.A.S) (Supply Audit branch) examination Part I and II. The applicant passed Part I examination in the month of November 1972. He passed the Part II examination of S.A.S in the year 1975 and thereafter he was promoted

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as Junior Accounts officer vide order dated 17.5.1977. He was transferred to Saving Bank Control Organization Lucknow G.P.O. The post of Junior Accounts Officer is equivalent to S.O. in Audit Department. The pay scale of Junior Accounts Officer is Rs.500-20-700-EB-25-900.

2. On the basis of the report of III Pay Commission ~~recommended~~ two posts of Head Clerks w.e.f. 1.6.79 designated as Head Clerk on higher selection ~~were~~ grade II/created in the pay scale of Rs.550-20-650-25-750 and Head Clerk Higher Selection Grade I in the pay scale of Rs.700-30-760-35-900. The recruitment rules were framed for the above cadre on 26.10.81. No provision of direct recruitments ~~was~~ made. 100 % recruitment will be made ~~through examinations~~ by way of promotion from higher selection grade II Head Clerks (Senior Supervisors) working in the S.B. Control organization in head post offices and the selection was to be made by the Departmental Promotion Committee.

3. Vide order dated 7.3.80 passed by the respondents the duties and responsibilities ~~of~~ Head Clerks H.S.G I and Junior Accounts officers working in S.B. Control organizations were fixed and the staff standards in S.B. Control organization

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under which the head offices having more than 1,75000 active accounts were to be supervised by Head Clerks of H.S.G-I or Junior Accounts Officer. The Appointing Authority in the case of Junior Accounts officers is Post Master General/ Director of P&T (Regional Director of Postal Services) who is subordinate to the Post master General. The applicant's plea is that the Junior Accounts Officer discharges the same duties and responsibilities as are discharged by Head Clerks H.S.G-I, but a lesser amount of salary was paid to the Junior Accounts Officers which is illegal and discriminatory and the applicant after making representation etc has ~~been~~ approached this Tribunal praying for the same pay scale as is given to the Head Clerks w.e.f. 1.6.1979.

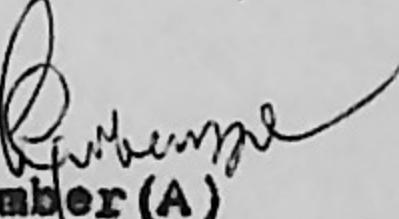
4. It has been stated ~~that~~ by the respondents that the sanctioned post in dispute ~~is~~ only for general line senior officials with the direction that as and when Junior Accounts Officers will be held the post of this cadre will draw his own pay scale 500-900 because the service condition of the applicant and that of the general line officials are quite different in nature. It has been admitted that the nature of duties and responsibilities of the H.S.G-I and Junior Accounts officers posted

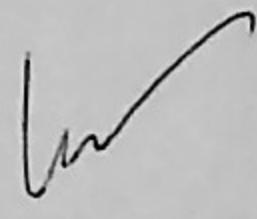
in S.B.C.Os are almost same, the HSG-I official is being paid the grade pay i.e. 700-900 of operative side, whereas the Junior Accounts officer is being paid grade pay 500-900 of accounts side. Since both the scales belongs to two different wings, Junior Accounts officer is not entitled to the scale of other than the wing to which he belongs. Moreover, the HSG-I official enjoys higher grade of pay in comparison to that of Junior Accounts Officers and this higher cadre may be attributed to the longer period of service rendered by the HSG-I officials, who are being selected on seniority cum fitness basis. Similarly in the postal accounts senior Accounts officers who have crossed 3/4th span of pay scale i.e. 800/- of Junior Accounts officers scale of 500-900 are allowed higher grade i.e. Rs 775-1000/-. Although they are performing the same duties and responsibilities but the same pay scale does not entitle to the Junior accounts officer.

5. From the facts it is clear that earlier the grade was one and later on there were two grades and the Appointing Authority of Junior Accounts Officers was higher official and when the duties and responsibilities of Junior accounts officers and S.B.C.O side and HSG-I **are similar** and there appears no reason that the pay scale should not be the same.

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65 Accordingly, the respondents are directed to consider the matter within three months taking into consideration the responsibilities, the duties and functions of these two and infact the principle of equal pay for equal work has come to stay in the country and pay the same pay scale if there is no difference in the reliability and confidentiality etc to the Junior Accounts officer as to the HSG-I cadre incase the duties, functions, responsibilities and qualifications are the same. Let a decision in this behalf be given within a period of three months from the date of receipt of this order. No order as to the costs.


Member (A)


Vice Chairman

Dated: 4th March 1993.

(Uv)