

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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(Registration O.A. No. 237 of 1987 &
O.A. No. 370 of 1990)

R.P.Misra & 14 others.....Applicant
Vs.

Union of India & Others.....Responde

Hon'ble Mr. Justice U.C.Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon.Mr.A.B. Gorthi, Member (A))

The applicants in both the above noted cases have raised a common question of law, and the facts of their cases are also similar. Both the cases being disposed of by this common judgement.

2. The applicants are the employees of Carpet Weaving Training Centres and Advance Training Centres located in various places in the State of U.P. These establishments are under the Development Commissioner Handicrafts, Ministry of Textiles. They claimed that although they were appointed against designation of Storekeeper Cum Accounts Clerk, they were made to discharge the functions of the Carpet Training Officers wherever and whenever such Carpet Training Officers were not posted. In support of their contention they have relied on the instructions issued by the Field Administrative Cell (Annexure A-1 & A-2) which are the job charts of Carpet Training Officer and Storekeeper Cum Accounts Clerk respectively. They lay down that in the absence of Carpet Training Officer the Storekeeper Cum Accounts Clerk has to perform all the duties of the former and vice-versa.

Factually the applicants did perform all such duties which were meant to be performed by the Carpet Training Officers. Accordingly they claim that they should be given the same scale of pay as is admissible to the Carpet Training Officers. In support of the claim they relied on a judgement of J & K Highcourt in writ petition No.390 of 1984. The facts in that case are similar to those in the present application before us. The J & K Highcourt, in the aforesaid case held as under;

"The petitioners are entitled to be paid same scale of pay and salary which was paid to the Carpet Training Officers for the period for which they have functioned as Carpet Training Officers at various training centres and their pay should be accordingly determined and paid to them. This will not however, entitle them to be called Carpet Training Officers or to be posted as Carpet Training Officers in the organisation. They are entitled to be paid the wages for the work they have rendered or they are rendering. This can be determined by the respondent No.2 after taking into account the period for which the petitioners have worked, or are working as Carpet Training Officers in pursuance of the circular and job chart."

3. The respondents while admitting most of the material facts stated in the application contend that in the organisational and public interests the applicants were asked to perform duties of the Carpet Training Officers wherever such officers were not posted or present. The applicants however, have no right to claim the higher designation or the salary in view of Fundamental Rules 49(IV). The respondents further claim that the principle of equal pay for equal work does not apply to the present case and that the qualifications required for a Carpet Training Officer are altogether different from those required for a Storekeeper Cum Accounts Clerk. There is no promotional avenue for a Storekeeper Cum Accounts Clerk and under no circumstances could he be promoted as a Carpet Training Officers.

4. There is no doubt that the job charts (Annexure 1 & 2) issued by the Field Administrative Cell, Srinagar are not applicable to the applicant. However, the respondents have not been able to deny the fact that the applicants had performed the duties of Carpet Training Officers as has been alleged in the applications. In view of the stands taken by the respondents and in view of the judgement of J & K Highcourt aforesaid mentioned, we are of the opinion that the applicants are entitled to be paid the salary admissible to Carpet Training Officers for the periods during which the applicants factually performed the duties of Carpet Training Officers. The applicants cannot, however, claim to be promoted as Carpet Training Officers, merely on the ground that they had performed the duties of the said designation. It is for the respondents to verify the records and determine the definite periods for which the applicants performed or have been performing the duties of Carpet Training Officers and to calculate the extra wages to be paid in view of our above observations.

5. Original Application No. 237 of 1987 and Original Application No. 370 of 1990 are thus allowed to the extent as indicated above.

Amarsi

Member (A)

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Vice-Chairman

12 September, 1991

(sph)