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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

REGISTRATION O.A.NO. 98/1987

U.N.Tiwari and 3 othersPetitioners

Versus

Union of India & OthersRespondents

Sri N.L.Srivastava for applicant, Km. Sadhna
Srivastava, Additional Standing Counsel, for opp. parties.

Hon'ble Mr. D.K.Agrawal, J.M.
Hon'ble Mr. K. Obayya, A.M.

In this application under section 19 of the Administrative Tribunals Act 1985, prayer has been made to the effect that the applicants are entitled to a pay scale of Rs. 1200-2040 on the principle of equal pay for equal work.

2. The petitioners 1,2,3 are Store Keeper Cum Accounts Clerk in Carpet Weaving Centre under Development Commissioner Handicrafts, New Delhi, The petitioner no. 4 is an Association alleged to be representing the cause of other than petitioner nos. 1,2,3. The petitioners were appointed in the grade of Rs. 260-400. Their revised grade is 950-1500. Their grievance is that Store Keeper in Carpet Weaving Centres or Assistant Cum Store Keeper in Cane and Bamboo Crafts having centres known as advanced training centres carry a higher scale of pay i.e. 330-560 revised to 1200-2040. The main thrust of the allegation in the petition is that there is no reasonable nexus for different classification of grades

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However, the relief sought is that the petitioners are entitled to the same scale of pay as Store Keeper in Carpet Centre or Assistant Cum Store Keeper in advanced training centre. The ground taken is that the nature of work and responsibilities are the same for all the persons working in the aforesaid different scales of pay.

3. The case has been contested by the department alleging that the three posts are different posts carrying different scales of pay. It has also been pleaded that the two schemes under which Carpet Weaving Centre and Advanced Training Centres are running are altogether different scheme. They are non comparable with each other.

4. We have heard the Learned Counsel for the parties and perused the pleadings. The principle of "Equal pay for equal work" is not one of the fundamental rights guaranteed by our Constitution. The principle was incorporated only under Article 39(d) of the Constitution as Directive Principle of State Policy. The Supreme Court in the case of Randhir Singh Vs. Union of India AIR 1982 SC 879 has pointed out that it is duty of the State not to deny any person equality before law or the equal protection of the law. The principle has been further explained in later decisions. Reference may be made to the case of State of U.P. Vs. J.P. Chaurasiya 1989 (1) SCC P. 121, wherein the existence

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of 2 different pay scales in the same cadre of Bench Secretaries of Allahabad High Court was challenged on the ground that all the Bench Secretaries were performing the same duty and that their responsibilities were also the same. The Court held that the principle of "equal pay for equal work has no mechanical application in every case of similar work. It was laid down that Article 14 permits reasonable classification founded on rational basis. It was also pointed out that in service, merit or experience can be taken in account as the proper basis for classification. Similarly in the case of Meva Ram Kanojia (1989)(2) SCC 235, it was held that it is open to the State to classify employees on the basis of qualification, duty and responsibilities of the posts concerned. If the classification has reasonable nexus with the objective sought to be achieved, efficiency in the administration, the State would be justified in prescribing different pay scales. Almost similar principle was laid down in the case of Federation of All India Customs and Central Excise Stenographers Vs. Union of India 1988(3) SCC 91 wherein it was said that mere Volume of work is not enough. There may be qualitative difference as regards reliability and responsibility. Functions may be the same but the responsibilities make a difference.

5. In the light of the aforesaid principles, we are of the opinion that the present claim petition as framed has no merit. The principle of equal pay for equal work has been claimed in two different units and

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different posts carrying different scales of pay. Of course it was open to the petitioners to challenge the basis of classification which has not been done in the light of the observations quoted above. We may observe without hesitation that the mechanical application of the words "equal pay for equal work" is not possible. The words "equal pay for equal work" is not like a slogan but it is a legal principle. The facts for its applicability have to be established. We are constrained to say that the necessary details and facts to attract the said principle have not been detailed in the petition. We may also make very clear that the claim of a petitioner cannot be evaluated by mere averments in the self-serving affidavits. We have also often observed the difference between a plaint or a writ petition. In writ petition not only the facts but evidence is to be mentioned and documents in support of the evidence have to be annexed with the writ petition. Original application in the Tribunal is on parity with the writ petition. Thus having given our anxious consideration to the facts and circumstances of the present case we are of the opinion that there is no merit in the present claim petition and the same is liable to be dismissed without any order as to costs.

Accordingly it is dismissed without any order as to costs.

MEMBER(A)

MEMBER(J)

3.7.91

Dated: 3.7.1991

Allahabad.

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