

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Allahabad : Dated this 12th day of May, 2000

Original Application No. 1772/1994

District : Dehradoon

COURT

Hon'ble Mr. SKI Naqvi, J.M.

Hon'ble Mr. M.P. Singh, A.M.

Sri S.S. Rana,
Physical Training Instructor,
Lal Bahadur Shastri National
Academy of Administration,
Mussoorie, Dehradun,

(Sri S.D. Singh, Advocate)

..... Applicant

versus

1. The Union of India through
Department of Personnel Training,
New Delhi.
2. Director Lal Bahadur Shastri
National Academy of Administration,
Mussoorie Dehradun.

(Sri S. Chaturvedi, Advocate)

..... Respondents

ORDER (Oral)

By Hon'ble Mr. SKI Naqvi, J.M.

The applicant Sri S.S. Rana, Physical Training Instructor (P.T.I.), Lal Bahadur Shastri National Academy of Administration, Mussoorie, Dehradoon has filed this OA under Section 19 of the Administrative Tribunals Act 1985 seeking relief to the effect that the order dated 4-8-1994 rejecting the applicant's representation for revision of pay scale be set aside and the respondents be directed to revise the applicant's pay scale from present level Rs.1600-2660/- to 2000-3500 as being given to P.T.I at Indira Gandhi National Forest

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Academy, Dehradoon.

2. The applicant has submitted that there is only one post of Physical Training Instructor (P.T.I.) at Lal Bahadur Shastri National Academy of Administration (in short LBSNAA), Mussoorie and the applicant is holding this post on being promoted in the year, 1988 and since then he is working as such. He has further mentioned that there is a post of P.T.I. at ~~at~~ Indira Gandhi National Forest Academy (in short IGNFA), Dehradoon and the work of the petitioner as P.T.I. at LBSNAA is the same as the work of the P.T.I. at IGNFA, Dehradoon. The prescribed qualifications and the Recruitment Rules for both these posts are the same.

3. In paras 4(xiv), (xv), (xvi) and (xviii), the applicant has elaborated these facts to show that the nature of work and the duties as well as responsibilities of the P.T.I. at LBSNAA at Mussoorie and IGNFA, Dehradoon are similar whereas the required standard of qualification of the post is higher for the post held by the applicant in comparison to the post at the institution at Dehradoon.

4. In para 12 of the counter reply the respondents have not denied this position and accepted as ~~is~~ the matter on record.

5. The respondents have contested their case and supported the impugned order dated 4-8-1994 (a copy of which has been annexed as Annexure A-6 to the application) on the ground that the post of PII in IGNFA and LBSAA cannot be compared to each other since both the incumbent to the post impart training to different types of probationers.

6. Considered arguments placed before us and perused the record and also legal position with reference to the decision by the Apex Court as referred before us.

7. The claim of the petitioner has only been rejected by the respondents on the ground that the training imparted at Mussoorie Institution, where the applicant is working, and Dehradoon Institution, to which the applicant has compared to press his claim on the principle of equal pay for equal work, two different types of probationers are there but it has not been clarified as to what is the difference of service status and service position for which the probationers are imparted training. On perusal of pleadings we find that the respondents have not disputed the position that the nature of work, the nature of responsibilities and the prescribed qualifications in Recruitment Rules of P.T.I at IGNAA are same as prescribed for the post held by the petitioner.

8. We find it a case in which the principle of Equal pay for equal work is applicable. We are alive to the position that equation of post and equation of pay are matters primarily for decision by the Government and expert bodies like the Pay Commission and not for the Court but where all things are equal, i.e where all relevant considerations are the same, persons holding identical posts may not be treated differentially in the matter of their pay, merely because they belong to different departments. This ^{finding} ~~view~~ has been based on the Apex Court's ratio in decision cited as AIR 1982 SC 879, and the same principle has been followed in Jaipal Vs State of Haryana (1988) SC 1504 Y.K. Mehta Vs. UOI, AIR 1988 SC 1970.

9. With the position as discussed above, we find force in the contention of the applicant and his prayer deserves to be accepted.

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- 4 -

10. In the light of the above discussions, the respondents are directed to revise the pay scale of Physical Training Instructor, Lal Bahadur Shastri National Academy of Administration, Mussoorie in the pay scale of Rs.2000-3500 (old pay scale) revised to new pay scale as recommended by the 7th Central Pay Commission with immediate effect ^{ie from the date of this order.} within a period of three months from the date of receipt of the copy of this order.


Member (A)


Member (J)

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