

Reserved on 30.10.13

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH, ALLAHABAD

(This the 21<sup>st</sup> Day of January, 2014)

**Hon'ble Mr. Shashi Prakash- AM**  
**Hon'ble Dr. Murtaza Ali- JM**

**Original Application No.101 of 2007**  
(U/S 19, Administrative Tribunal Act, 1985)

1. Abhimanyu Vishwakarma aged about 35 yrs. S/o Shri Suryadew Vishwakarma working as Sr. Running Room Care Taker, under SSE (Loco) East Central Railway, Mughalsarai, R/o Railway Quarter No.404-J, Loco Colony, Mughalsarai District Chandauli.
2. R.P. Singh aged about 51 years s/o Shri Ram Chander, working as Sr. Running Room Care Taker, under SSE (Loco) East Central Railway, Mughalsarai.
3. D.N. Pandey s/o Nagendar Nath Pandey, working as Sr. Running Room Care Taker, under SSE (Loco) East Central Railway, Mughalsarai, r/o Loco Colony 49 (L), Mughalsarai.
4. Ram Birksh son of late Baldeo, working as Sr. Running Room Care Taker under SSE (Loco), East Central Railway, Mughalsarai.
5. Ram Prakash son of Late Kharoo Prasad, working as Running Room Care Taker, under SSE (Loco) East Central Railway, Mughalsarai.
6. Kailash Pati son of Jai Sri Ram working as Sr. Running Room Care Taker, under SSE (Loco) East Central Railway, Mughalsarai.

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7. Dinanath Ram son of Late Jai Karan, working as Sr. Running Room Care Taker, under SSE (Loco), East Central Railway, Mughalsarai.

..... Applicants

By Advocates: Shri A. Kumar  
Shri Sudama Ram

Versus

1. Union of India, through General Manager, East Central Railway, Headquarters Office, Hajipur (Bihar)
2. General Manager, East Central Railway, Headquarters Office, Hajipur.
3. Divisional Railway Manager, East Central Railway, Mughalsarai.
4. Chairman, Railway Board, Rail Bhavan, New Delhi.
5. Director (Pay Commission), Railway Board, New Delhi.

..... Respondents

By Advocate: Shri R.K. Pandey

### ORDER

Delivered by Hon'ble Mr. Shashi Prakash, Member (A)

Shri Sudama Ram is present for the applicant. No counsel has appeared on behalf of the respondents on several listed dates since last two years. No one is present even today.

2. Brief facts of the case are that the applicant Nos. 1, 5, 6 and 7 were appointed on compassionate ground as Running Room Care Taker (RRCT) and applicants No, 2 3, and 4 were appointed as

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substitute Running Room Care Takers. On appointment the applicants were placed in a non standard and the lowest pay scale of Rs.750-940/Rs2550-3200 RSRP as applicable for Junior Running Room Care Takers and Rs.775-1025 RPS/2610-3540 applicable to Senior Running Room Care Taker. Since their appointment the applicants have been working in the initial stage itself. The respondents by letter dated 28.1.2003 issued a seniority list of Care Taker and other staffs indicating the grade and other service particulars (Annexure A-2). The benefit of giving standard pay scales to RRCT as provided to Running Room Care Taker of other Division of various other railways was denied to the applicants. On a reference from General Manager, East Central Railway, the Railway Board clarified that the normal replacement of 5<sup>th</sup> Central pay Scale corresponding to the 4<sup>th</sup> CPC Scale available to the pay scale of Rs.2550-3200 and Rs.2610-3540 to the post of Running Room Care Taker is correct. The Board did not consider the main grievance of the applicants of whether the pay scale allotted to care takers in 5<sup>th</sup> CPC was admissible to RRCT working in Mughalsarai Division of East Central Railway, in view of the fact that similar benefit was being extended to RRCT working in Northern Railway, North Central Railway etc. The information in this regard has been obtained by the applicants under the RTI Act. A notice under Section 80 CPC was given to the Railway Board by the applicants in which the above grievance





of the RRCT was specifically raised. Further, despite a direction given by CAT Allahabad Bench in O.A. No.668 of 2000, the aforesaid anomaly in the pay scale of the RRCT continues to persist and the applicants have been denied their rightful claim of pay scale.

3. Shri Sudama Ram counsel for the applicant argued that the stand taken by the Railway Board is clearly illegal because it is discriminatory in nature. He has sought quashing of the impugned order dated 8.8.2006/13.09.2005 communicated by the respondent No.3 and 5.

4. Taking into account the submission made by counsel for the applicant and proceedings available on record, it is felt that issue of contention in the matter is giving of parity to the applicants, who are borne on East Central Railway vis-a-vis similarly situated employees of Northern Railway, North Central Railway etc. In this regard, it may be pertinent to refer to the judgment of Apex Court in the case of **State of Kerala vs. Ranjith Kumar & Ors;** (2008) 12 SCC 226, wherein it is stated that where the duties of functionary are identical in nature, there is no reason to treat them differently. Once the concerned persons are already working for considerable period discharging the same function and duties, there is no reason why the same benefit should not be given to the

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applicants as similarly situated persons. Similarly, in the case of **Randhir Singh v. Union of India**, the Apex Court has read the principle of 'equal pay for equal work' for both men and women as contained in Article 39 (d) of the Constitution and embedded in fundamental rights. It was further stated that Article 14 and 16 in the light of the preamble and Article 39 (d) the principle of 'equal pay for equal work' is deducible from these provisions and can be properly applied to cases of unequal scale of pay based on no classification or irrational classification.

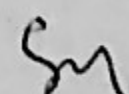
5. It is seen from the proceedings that in letter dated 3.3.2008 sent by Public Information Officer (P) and CPO (IR) Central Railway given to the one of the applicants in response to information sought under RTI Act, it is clearly mentioned that in that Railway, the Care Takers in three different categories have the pay scale as claimed by the applicants. The contents of aforesaid letter are reproduced below:-

*"Your application referred above has been examined and the information sought by you is furnished below:-*

(1) *Pay scales of Running Room Care Takers working in Mechanical/Electrical (Operation) departments of this Railway.*

<u>Sr.No.</u>	<u>Category</u>	<u>Grade Rs.</u>
1.	Head Janitor/Care Taker	4500-7000 (RSRP)
2.	Sr. Janitor/Care Taker	4000-6000 (RSRP)
3.	Janitor/Care Taker	3050-4590 (RSRP)

*If you are not satisfied with the above information, an appeal to the same lies with Appellate Authority/AGM at*

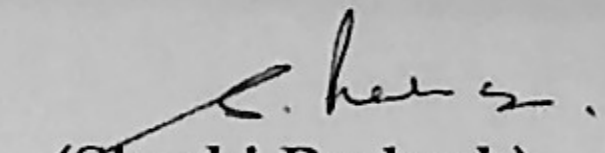


*the address given below this has to be made within 30 days from the receipt of this letter."*

6. Such a variation in the pay scale in different zones is not at all tenable. Accordingly the impugned order dated 8.8.2006 and 13.09.2005 (Annexure A-1) is set aside. The respondents are directed to consider the extending of same pay scale to the applicants as is currently being extended to the RRCT of the other Railways.

7. With the above direction the O.A. is disposed of. No costs.

  
(Dr. Murtaza Ali)  
Member-J

  
(Shashi Prakash)  
Member-A

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