

(Gauhati, 2nd week of May 1991)

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 260 OF 1988
~~TAX NO.~~

DATE OF DECISION 11-7-1991.

Ahmed Abdulla, **Petitioner**

Mr. A.A. Oza, **Advocate for the Pet** x

Versus

Union of India & Ors. **Respondents.**

Mr. M.R. Raval for Mr. P.M. Raval, **Advocate for the Respon**

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. S. Santhana Krishnan, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgment? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal. *No*

Ahmed Abdulla
Driver Motor Launch
Piram Gogha
Dist: Bhavnagar.

..... Applicant.

(Advocate: Mr. A.A.Oza)

Versus.

1. Union of India
through its Secretary
Ministry of Transport
Dept. of Surface Transport
Transport Bhavan
Sansad Marg
New Delhi.

2. Director General
Dept. of Light House and
Light ships
Ramkrishnapuram
New Delhi.

3. Director
Dept. of Light house &
Light ships
Deep Bhavan
Pandit Nehru Marg
Badeshwar, Jamnagar.

..... Respondents.

(Advocate: Mr. M.R. Raval for
Mr. P.M. Raval)

ORAL ORDER

O.A.No. 260/1988

Date: 11-7-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

This original application under section 19 of the Administrative Tribunals Act, 1985, has been filed by the applicant, Driver of Motor Launch, working under the Union Ministry of Transport on payscale Rs.330-480 claiming payscale Rs. 575-844 on ground of equal pay for equal work. It is alleged that his counter-parts doing equal work are getting pay in the scale 575-844 whereas he is getting pay in the scale Rs. 330-480. According to the averments in the application, he was

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appointed as regular driver by order dated 18.10.1975, produced at Annexure 'A' and continued in the same post till date. It is his further allegation that the post of driver on M.L.Piram to which he was appointed by order dated 18.10.75 is quite separate and distinct from that of drivers on other launches of the department despite which identical payscale has been given to him. It is also alleged that the nature of duties performed by the drivers on M.L. Piram are not the same as that of other drivers. In the case of drivers of other vessels the promotion is by way of selection but in the case of the driver of M.L.Piram it is on the basis of non-selection (Sic) and eligibility criteria for appointment are also different. It is also stated that the engine of M.L. Piram is of 226 H.P. necessitating greater skill on the part of its driver to navigate. However, the horse power of other vessels has not been disclosed in the application. It is further alleged by the applicant that as payscale of driver of M.L.Piram was 330-480, he was unwilling to accept the appointment as driver of M.L. Piram which he says was on promotion.

2. We see no substance in the applicant's argument that though the appointment by order dated 24.12.1975 was as to a promotion post he continued to be paid the same payscale as he was getting in the earlier post i.e., 330-480. The same is clear from the order and the allegation that the payscale of driver of M.L.Piram was not revised though the same was promised for which he submitted various representations and filed the application herein as he was to retire in July 1988 on superannuation.

M. M. L

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3. The respondents have chosen not to file reply.
4. Applicant and counsel did not remain present at hearing today. We heard Mr.M.R. Raval for Mr.P.M. Raval learned counsel for the respondents.
5. The order dated 18.10.1975 merely says that the applicant is transferred to the post of driver on M.L. Piram on regular basis. It does not say that the applicant is transferred on promotion as claimed in the application. No doubt the applicant, seen from the record, appears to have submitted several representations and equally the respondents gave suitable replies to him to the effect that his case for appointment in payscale Rs. 575-844 is under consideration. But such exchange of correspondence does not create any right in favour of the applicant for payscale Rs. 575-844.
6. When applicant claims equal pay for equal work and alleges that he is discharging duties of the nature for which duties the department pays higher pay, he has to furnish material to substantiate his claim. No such material has been furnished by the applicant. Even when the applicant's say that the horse power of M.L. Piram is 226, he does not mention the horse power of other vessels on which he has worked as driver in the payscale Rs. 330-480 and of other vessels whose drivers may be getting payscale Rs. 575-844. No material has been produced to substantiate the implied contention that pay of drivers was related to the horsepower of the vessel on which they are appointed as driver.

M. M. J

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7. We find no material to substantiate the applicant's allegations. The application is therefore dismissed without any order as to costs.

J. K.
(S. Santhana Krishnan)
Judicial Member

M. M. L.
(M. M. Singh)
Admn. Member

ttc.