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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.

O.A.No. 349/1995

Date of Order : Sept. 25, 1995.

All India Narcotics Executive ... Applicants.
Officer Association &
another

Versus

Union of India & anr. ... Respondents.

Mr. M.R. Singhvi ... Counsel for the
Applicants.

CORAM :

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER

Per Hon'ble Ms. Usha Sen :

This O.A. has been filed by the applicants seeking the relief of giving parity in pay scales to Inspectors of the Narcotics Department with the Inspectors of Income Tax, Customs and Central Excise Departments with all consequential benefits.

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2. We have heard/learned counsel for the applicant.
 3. This matter had been agitated earlier in O.A. No. 311/88 which was decided by the order dated 20.10.93 at Annexure A/8. The operative portion of the order is as under :

"11. we are of the opinion that since the source of recruitment of the Inspectors of Income Tax, Central Excise & Customs, and Narcotics is the same and since they had the parity of pay scales before 1969, as such denying the same parity now seems discriminatory. Further non-consideration of raising their pay scales by the Third and Fourth Pay Commissions has also led to dis-satisfaction

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amongst the service and as such, we are of the opinion that the matter needs further and proper examination by the respondents in view of the recommendations made by the Commissioner, Narcotic vide letters Annexs. A/2 and A/3. Therefore, the respondents will consider the recommendations made by the Narcotics Commissioner Annexs. A/2 and A/3 for allowing Narcotics Inspectors parity with the Inspectors of Income Tax and Central Excise & Customs within a period of 3 months of this order.

In accordance with this judgment, the respondents have considered the case of the applicants and the reply issued by them is dated 17/18 July, 1995 and 9th March, 1994 at Annexure A/1. The reply states as under :

" I am directed to refer to your letter No.8(1)Estt. 1/88/11895 dated 18.11.93 on the above mentioned subject sending therewith a copy of judgment dated 20.10.93 in O.A.No.311/88. As per directions of the Hon'ble CAT, the recommendations made by the Narcotic Commissioner for bringing the pay scale of Narcotics Inspector at par with that of Inspector of Income-tax and Central Excise & Customs has been considered carefully, but it has not been found possible to accept it.

2. Government of India have already announced setting up of the Vth Pay Commission which will be set up shortly. The All India Narcotics Inspectors Association may be advised to take up this issue with this Commission."

4. It would be significant to quote the observations of the Hon'ble Supreme Court in the case of State of U.P. & Ors vs. J.P. Chaurasia & Others 1989 SCC (L&S)71 wherein the question of parity in pay scales was discussed. The Court considered that such parity depends upon several factors.

It does not just depend upon either the nature of work or volume of work done. Primarily it requires among others, evaluation of duties and responsibilities of the respective posts. More often functions of two posts may appear to be the same or similar, but there may be difference in degrees in the performance. The quantify of work may be the same, but quality may be different that cannot be determined by relying upon averments in affidavits of interested3....

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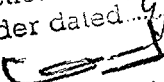
parties. The equation of posts or equation of pay must be left to the Executive Government. It must be determined by expert bodies like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee, the court should normally accept it. The court should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration."

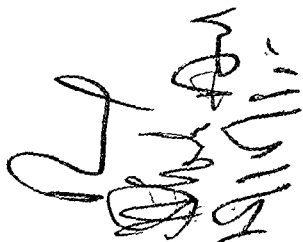
5. In view of the very clear position of law and since the respondents have already replied that they are not in position to accept the claim of the applicants but that they can agitate the matter before the Fifth Pay Commission which is already functioning. We are of the view that the applicants are free to agitate their case with the Commission and that the case is not fit for adjudication by us at this stage. The O.A. is, therefore, dismissed at the stage of admission.

Usha Sen
(USHA SEN)
Member (A)


Gopal Krishna
(GOPAL KRISHNA)
Vice Chairman.

Part II and III destroyed
in my presence on 2/1/2001
under the supervision of
section officer () as per
order dated 4/9/2000


Section officer (Record)



Copy of OA with Annexure.
3 copy of Judgment sent
to R-1 & R-2 By Registered Post
vide no. SGI 406L
date 11/16/95


10.10.95