

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (1)

JODHPUR BENCH, JODHPUR

ORDER SHEET

APPLICATION NO. 381 OF 1995

Applicant(s)

Respondent(s)

Advocate for

Advocate for

Applicant(s)

Respondent(s)

Notes of the Registry	Order of the Tribunal
10.3.2000	<p>Mr.S.K.Malik, Counsel for the applicants.</p> <p>The Applicants have jointly filed this O.A. with the prayer that the order dated 16.7.99 (Annex.A/1) passed by the respondent No. 2 be quashed and the respondents be directed to place the applicants in the pay scale of Rs. 8000-13500 per month as that of Assistant Executive Engineer (for short "AEE") with effect from the date of the Recommendations of the Fifth Pay Commission i.e. 1.1.1996 on the basis of equal pay for equal work.</p> <p>2. The claim of the applicants is that they are discharging the same duties and are shouldering the same responsibilities as that of AEEs and, therefore, the applicants should also be given the same pay scale as has been given to the AEEs. It is the contention of the applicants that the Fifth Pay Commission has over-looked the grievance of the applicants relating to grant of similar pay scale.</p> <p>3. We have heard the learned counsel for the applicants and considered the O.A. From the O.A. it appears that the posts of AEE are filled-in through direct recruitment to the extent of 50% and through promotion to the extent of 50%. Thus, the recruitment sources for the post of AEE are different. Since the recruitment sources are</p>

different, therefore, the direct recruits are granted higher pay scale whereas the promotee officers are promoted to the post of AEE in the existing pay scale. Thus, they cannot claim that they are being discriminated. From the facts pleaded in Para 15 of the O.A., it appears that the AEE have always been drawing pay in the higher pay scale as compared to the Assistant Engineer (for short "AE") who were always drawing pay in the lower pay scale. The difference is continuing as per the Recommendations of Third Pay Commission, Fourth Pay Commission and Fifth Pay Commission respectively. It cannot be said that disparity in grant of pay scales has crepted in now after the Fifth Pay Commission has given its report. Hon'ble the Supreme Court has decided time and again that matter relating to grant of pay scale should be left to be decided by the expert body and the Tribunals should not interfere in the matter of grant of scale which may have wider implication and All India effect. Therefore, we are of the view that applicants should represent to Government of India, if they are so advised, for redressal of their grievance as mentioned in the O.A. Needless to say the Government of India may appoint an expert body to go into the details of the claim of the applicants keeping in view the wider implications of grant of such pay scale etc.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

(8)

ORDER SHEET

APPLICATION NO 381 OF 1997

Applicant(s)

Respondent(s)

Advocate for

Advocate for

Applicant(s)

Respondent(s)

Notes of the Registry	Order of the Tribunal
<p><i>See</i> <i>Dhru</i> <i>S.K.Malhotra</i> <i>28/3/2000</i></p>	<p>4. In our opinion, the applicants are not entitled to the relief as claimed by them in the present O.A. the O.A. is, therefore, dismissed in limine.</p> <p><i>G</i> <i>Dhru</i></p> <p>(GOPAL SINGH) Adm. Member</p>
	<p><i>G</i> <i>Dhru</i></p> <p>(A.K.MISRA) Judl Member</p>
<p><i>Filed & registered for our Court 28/3/2000 Dhru 28/3</i></p> <p><i>Copy of order along with it Copy of Petition Sent to Respondent No 1 & 2 Vide No 63464 dt 28/3/2000 Renu</i></p>	<p>.....</p> <p><i>mehta</i></p> <p>Part II and III destroyed in my presence on <u>10.5.2000</u> under section 10(1) of section 10(1) as per order dated <u>29.1.2000</u></p> <p><i>Section officer (Record)</i></p>