

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 668 of 1997

Date of order : 30.5.92

Present : Hon'ble Mr. S. Biswas, Administrative Member  
Hon'ble Mrs. Meera Chibber, Judicial Member

S.C. CHATTOPADHYAY & ORS.

VS.

1. UNION OF INDIA, SERVICE THROUGH THE SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF DEFENCE, SOUTH BLOCK, NEW DELHI-110 001.
2. ENGINEER-IN-CHIEF, ARMY HEADQUARTERS, DHQ P.O., NEW DELHI-110 011.
3. GARRISON ENGINEER(NORTH) CALCUTTA, 46, B.T. ROAD, CALCUTTA-700 040.
4. C.W.E. (S), BARRACKPORE.

For the applicants : Mr. R.K. De, counsel

For the respondents : Mr. M.S. Banerjee, counsel

O R D E R

Meera Chibber, J.M.

This O.A. has been filed by 8 Ferro Printers working as civilians in Military Engineering Services claiming the following reliefs:-

"(a) Leave to file this application jointly in terms of Rule 4(5)(a) of CAT(P) Rules, 1987

(b) For a declaration that the applicants are entitled to the higher pay scale of Rs.975-1540/- as have been granted to C.P.W.D. Ferro Printers in O.A.No.74/88 SLP filed against which has been dismissed.

considered fit and proper upon granting the prayer(b).

IN THE ALTERNATIVE

(d) For a direction upon the Respondents 1 and 2 to constitute a Works Study Team in the line of Works Study Team constituted by the late Ministry of Works and Housing, to examine the case of Ferro Printers in the MES and to make their(Works Study Team's) recommendation within a time-frame and for further direction to take necessary decision on the said Report within a period of TWO MONTHS or as may be deemed fit and proper by this Hon'ble Tribunal.

(e) For any other order or orders that this Hon'ble Tribunal considers fit and proper in the interest of justice."

The applicants have claimed parity of pay scales with the Ferro Printers of C.P.W.D. who have been granted the relief on the basis of Work Study Team recommendations by the Tribunal. The said case was filed in the year 1988 and was decided on 28.7.1993 granting the pay scale of Rs.975-1840/- to the Ferro Printers of CPWD w.e.f. 1.1.1988. The present O.A. was filed only in the year 1997.

2. The applicants state that they had given their representation to the Engineer in Chief for granting them the same relief as granted by the Tribunal to the Ferro Printers of C.P.W.D, who referred the matter to the Ministry of Defence. But the Ministry of Defence did not agree to grant the relief and suggested that representations be made to the 5th Pay Commission through their Association/Union vide letter dated 21.11.1995.

3. The grievance(s) of the applicants is that 5th Pay Commission

was already on the verge of closing and therefore, the suggestion was an empty formality and nobody has bothered to even examine their case and the Ministry of Defence has merely passed the bulk.

4. The respondents on the other hand have stated that the O.A. is barred by limitation and even otherwise the judgment given by the Tribunal was applicable to the Ferro Printers working in the CPWD whose method of recruitment and duties are not identical with that of the present applicants. They have further stated that it is not the function of the courts to grant pay parity as these are the matters which <sup>are</sup> required to be examined by the expert bodies as held by the Hon'ble Supreme Court in catena of its judgments.

5. We have no doubt in our mind that parity in pay scales is a matter which is entirely within the domain of expert bodies. In fact the Hon'ble Supreme Court has laid down in number of cases that there should be no judicial interference in the matter of pay scales fixed by the Government on the basis of recommendations of the Pay Commissions as pay fixation is held to be the function of the Government and not of the Administrative Tribunals. In the case of Union

cannot be treated as the recommendation of the Government on the employee and such recommendations do not confer any right to make such claim before the court. Therefore, when we pointed out this judgment, ld. counsel for the applicants pleaded that at least the alternative prayer(quoted above) may be granted to the applicants by directing the respondents to constitute a Work Study Committee to compare the duties of Ferro Printers in MES with that of CPWD. We are afraid ~~that~~ we cannot even give that direction as the applicants have themselves stated in page-7 of the O.A. that the recruitment method of the Ferro Printers in CPWD and MES are different meaning thereby that there is no similarity. Moreover, the educational qualifications of Ferro Printers of both the departments and the duties, functions and responsibilities of the post in both the departments are also not shown in the O.A. Therefore, there is no material before us on the basis of which we can direct the respondents to constitute Work Study Team as suggested by the applicants' counsel. This we are stating as the Hon'ble Supreme Court has laid down that no mandamus can be issued for carrying out roving enquiries and therefore, unless the applicants are able to show some similarities we cannot give the directions as sought

by the applicants' counsel.

6. It is, however, made clear that this judgment should not be treated as a bar by the respondents for shutting the applicants' grievances. After all, the applicants' grievances have not been examined by the respondents so far. We would expect that as a model employer, the respondents would at least examine the grievances of the applicants and if they find any substance in their grievances, they would take <sup>up</sup> the matter with the expert bodies at the appropriate stage or at least pass a speaking order to explain the applicants as to why their claims are not tenable in law.

7. With the above observations, the O.A. is dismissed with no order as to costs.

  
MEMBER(J)

S.M.

  
MEMBER(A)