

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 457 of 1994

Wednesday this the 8th day of June, 1994.

CORAM

Hon'ble Mr. Justice Chettur Sankaran Nair, Vice Chairman

Hon'ble Mr. P. V. Venkatakrishnan, Administrative Member

...

1. George Thomas S/o. P.T. George, aged 43 years, Sr. Accountant, Accountant General's Office, (A&E) Trivandrum and residing at Trivandrum.
2. T.R. Vijayakumaran, S/o. Raghavan Pillai, aged 49 years Sr. Accountant Accountant General's Office (A&E) Trivandrum and residing at T.C. 26/1315, Trivandrum.
3. D. Prakash, S/o. U. Damodaran, aged 42 years, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Varkala.
4. P. Padmanabhan, S/o. A.P. Padmanabha Pillai, aged 53, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at T.C. 26/136, Trivandrum.
5. K. Ravindran Nair, S/o. Krishnan Nair, aged 44, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Pattah, Trivandrum.
6. T. Balasundaram S/o. late K. Kamaran, aged 49, Sr. Accountant, Accountant General's Office (A&E) Trivandrum and residing at pappanamcode, Trivandrum.
7. Rugmini Amma, P. W/o. Harihara Krishna Iyer, aged 49, Sr. Accountant Accountant General's Office (A&E) Trivandrum and residing at Sankar Nagar, Karamana, Trivandrum.
8. John M.C. S/o. M.J. Chacko, Sr. Accountant, Accountant General's Office (A&E) Trivandrum and residing at Pattam, Trivandrum.

APPLICANTS.

9. N. Gopinathan Nair, S/o. K. Narayana Pillai, aged 44, Sr. Accountant, Accountant General's Office (A&E) Trivandrum and residing at T.C. 11/1761, Charachira, Trivandrum.

10. V. Sethumadhavan Nair, S/o. late N. Velukutty Nair, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Kannanmoola, Trivandrum.

11. Retnavally, U. W/o. P. Ravindran, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Resmi, Pappanamcode, Trivandrum.

12. K. Lethy D/o. late P. Appu Nair, aged 41, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Soorya Gardens, Sasthamangalam.

13. P.A. Gracy, D/o. P. Abraham Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Arappura Road, Trivandrum.

14. Annakutty Augustine D/o. Augustine, aged 40, Sr. Accountant, Accountant General's Office (A&E) Trivandrum and residing at Sanketham, Punnapuram Trivandrum.

15. K. Sumathy Bai, W/o. M. Rajan, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Baiju Bhavan, Kawdiar, Trivandrum.

16. T. Syamala Devi, W/o. K. Ayyappan Pillai, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Chaitanya, Kesavadasapuram, Trivandrum.

17. P. Lekshmy W/o. Ravveendran Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at W.P. 7/93, Medical College P.O., Trivandrum.

18. M.M. Pankajakshy, W/o. P.P. Govindan, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Srihari, T.K.D. Road, Pattom Palace, P.O. Trivandrum.
19. A.R. Kamalamma, W/o. G. Muraleedharan Nair, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Perorkada, Trivandrum.
20. P. Sarada, W/o. K. Subramanian, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Thaliyal, Karamana, Trivandrum.
21. A.M. Nisa, W/o. A. Ismail, Sr. Accountant Accountant General's Office (A&E) Trivandrum and residing at Attakulangar, Trivandrum.
22. Baby Joseph, D/o. E.M. Joseph, aged 48, Sr. Accountant, Accountant General's office (A&E), Trivandrum and residing at Pattom Palace, P.O., Trivandrum.
23. A.V. Varghese, S/o. A.G. Varkey, aged 51 years, Sr. Accountant, Accountant General's Office (A&E) Trivandrum and residing at Pattom, Trivandrum.
24. R. Santhakumari, W/o. G. Vijayakumar, aged 40, Hari Nivas, Pangappara, Trivandrum.
25. C. Prasanna Kurup, S/o. Chellapanunnithan, aged 34, Sr. Accountant, Accountant Office (A&E), Trivandrum and residing at Makayiram, Kallampalam, Trivandrum.
26. K.G. Vijayan Nair, S/o. K. Gangadharan Nair, aged 36, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Revathy, Vattiyocorkavu.

27. C.R. Vikraman, S/o. Prof. K.V. Ravi Varma, aged 33 years, Sr. Accountant, General's Office (A&E), Trivandrum, and residing at Kuriathy, Trivandrum.
28. P. Sudhesan, S/o. V. Paramu, aged 47, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Cherunniyoor, Trivandrum.
29. Ponnamma George, W/o. C.T. George, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at T.C. 2/73, Kakkanadu Lane, Kesavadasapuram, Trivandrum.
30. T.S. Varghese, S/o. late, T.V. Samuel, aged 57, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Kawdiar, Trivandrum.
31. C. Surendran Nair, S/o. P.K. Chandrasekharan Nair, aged 37, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Kesavadasapuram, Trivandrum.
32. T. George Mathew, S/o. T.E. Mathew, aged 51. Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Kazhakkottam, Trivandrum.
33. Jacob Thomas, S/o. late K.P. Thomas, aged 48, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Vattiyoorkavu, Trivandrum.
34. K.Krishnan, S/o. Kunju Kunju, aged 56, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at T.C. 11/1034, Trivandrum.
35. George N. Thomas, S/o. late G. Thomas, aged 51 Sr. Accountant, Accountant General's Office (A&E), Trivandrum, and residing at Peroorkeda, Trivandrum.
36. M.K. Narayanan, S/o. Kunju Kunju, aged 43, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Chadiyara, Poojappura, Trivandrum.

37. V. Sivarajan Nair, S/o. K. Velayudhan Nair, aged 33, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Amaravila.

38. Kora Kuruvila, aged 49, S/o.C.K. Kuruvila, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Mukkola, Trivandrum.

39. Johnson Mathew, S/o. K.K. Mathew, aged 35 years, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Vanrose Junction, Trivandrum.

40. M. Johnson, S/o. V.G. Mathai, aged 35, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Kuravankonam, Trivandrum.

41. B. Indira Bai Amma D/o. K. Bhavani Amma, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Swastika, Ambujavilasom, Road, Trivandrum.

42. Mary Issac, D/o. Issac, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Nanthancode, Trivandrum.

43. V. Karunakaran, S/o. N. Velayudhan, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Kunnuukuzhi, Trivandrum.

44. Lokanayaki .S. D/o. Ramasubramonia Iyer, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Karamana, Trivandrum.

45. S. Sobhana, D/o. I. Vinayan, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Chackai, Trivandrum.

46. P. Gopakumaran Nair, S/o. V. Parameswaran Pillai, aged 36, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Anayara, Trivandrum.

47. K. Hari, S/o. T. Kunjen Achary, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Pettah, Trivandrum.

48. N. Bhaskaran Achari, S/o. U. Narayanan, aged 42, Sr. Accountant, Accountant General's Office (A&E), Trivandrum and residing at Nemom, Trivandrum.

49. P. Sivarama Krishnan, S/o.
S. Padmanabha Iyer, aged 32,
years, Sr. Accountant, Accountant
General's Office (A&E), Trivandrum
and residing at Valiachalai,
Trivandrum.

50. K. Raja Radhakrishna Rajan, S/o.
B. Kathiresan, aged 34, Sr. Accountant
Accountant General's Office (A&E),
Trivandrum and residing at Trivandrum.

51. K. Sijayamma, W/o. M.K. Sivadasan Nair,
Sr. Accountant, Accountant General's
Office (A&E), Trivandrum and residing
at Arappura Veedu, Vattiyoorkavu,
Trivandrum.

52. N.V. Balasubramonia Pillai, S/o. N.C.
Vinayagan Pillai, aged 45 years,
Sr. Accountant, Accountant General's
Office (A&E), Trivandrum and residing
at Manacaud, Trivandrum.

53. G. Vijayan, S/o. P. Gopalan, aged 40, Sr.
Accountant, Accountant General's
Office (A&E), Trivandrum and residing
at Madavoorpara.

54. Josephine Mohta, W/o. late Saranathan,
aged 48, Sr. Accountant, Accountant
General's Office (A&E), Trivandrum and
residing at Chalai, Trivandrum.

55. M. Sukumaran Asari S/o. P.I. Kesavan
Asari, aged 47, Sr. Accountant,
Accountant General's Office (A&E),
Trivandrum and residing at
Trivandrum-11.

56. M.P. Rollin Patricia, D/o. Mary Posley
Rollo aged 44, Sr. Accountant, Accountant
General's Office (A&E), Trivandrum,
residing at Kunnapuzha.

57. M.V. Vijayan, S/o. Velayudhan Pillai,
Sr. Accountant, Accountant General's
Office (A&E), Trivandrum and
residing at Thycaud, Trivandrum.

--Applicants

(By Advocate Mr. P.S. Vasavan Pillai)

Vs.

1. The Union of India, represented by the Secretary Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Deptt. of Personnel and Training, New Delhi.110 001.
2. The Comptroller and Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi-110 002.
3. The Finance Secretary, Government of India, New Delhi-110 001.
4. The Accountant General, (A&E), Kerala, Trivandrum, Pin-695 039.

..... Respondents

(By Advocate Mr. Mathew G. Vadakkel, ACGSC)
Mr. MR Rajendran Nair-Amicus Curiae.

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants who are Senior Accountants in the

Accountant General's Office seek an order:

"granting the scale of pay of Rs.1640-2900 at par with the scale of Central Secretariat Assistants etc."

Equal pay for equal work, is the principle pressed into service to lace the claim. Whether work is equal and whether the employees in question are similar, are matters for the administrative Government and policy makers to decide. It is not the function of the Court to pronounce on such matters. In State of U.P. and others Vs. J.P. Chaurasia, (AIR 1989 SC 19), the Court observed:

"the equation of posts or equation of pay must be left to the executive Government. It must be determined by expert bodies like the Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts Court should not try to tinker with such equivalence unless it is shown that it was made with extraneous considerations."

Again in Union of India and others Vs. Shri Tojram Patashramji and others (C.A.No.233/91) referring to an order of the Central Administrative Tribunal, the Apex Court observed:

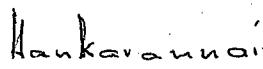
"It is a policy matter involving financial burden. No court or Tribunal should compel the Government to change its policy, involving expenditure."

We find a similar view taken in Federation of All India Customs and Central Excise Stenographers Vs. Union of India (AIR 1988 SC 1291). Still later in Union of India Vs. Secretary, Madras Civil Audit and Accounts Association, (1992 SCLJ 530), the Supreme Court struck the same note of caution. In this state of law, we do not think that it is in our province, to prescribe a scale of pay as prayed for.

2. The application is without merit and we dismiss the same. The dismissal of this application will not stand in the way of applicants, raising their grievances before the Vth Pay Commission. We record appreciation of the help rendered by Shri M.R.Rajendran Nair as Amicus Curiae. No costs.

Dated 8th June, 1994.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

ks86.