

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No.
T. A. No.

270/

1988

DATE OF DECISION 30.7.90

P.P Parameswaran & 4 others Applicant (s)

M/s. K.Ramakumar,
V.R Ramachandran Nair Advocate for the Applicant (s)
Versus

Union of India represented Respondent (s)
by its Director General,
Department of Telecommunications, New Delhi and another
Mr.K.Prabhakaran, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. N.DHARMADAN, JUDICIAL MEMBER

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

JUDGEMENT

HON'BLE SHRI N.DHARMADAN, JUDICIAL MEMBER

The first applicant in this case is a Technical Supervisor. His case is not consistent with the grievances of others and his grievances are ^{not} separately highlighted in the application. Hence we are not considering his case.

2. The rest of the applicants are Technicians working in the Telecom Department in the pay scale of Rs.975-1660. According to them for the post of Technicians the qualification prescribed is three years Engineering diploma in Telecommunication/Electrical/Electronics or Mechanical. The next promotion post available to them is Technical Supervisor. They are eligible for such promotion only after completion of sixteen years. Even though the pay structure of all the Central Government employees had been revised by the Fourth Central Pay Commission, the grievance of the Technicians

in the Telecom Department was not considered because of the statement that a scheme of rationalisation which involves basic changes in this wing is under consideration by the Government.

3. In view of the non-consideration of the case of Technicians working in the Telecom Department by the Fourth Pay Commission the present position is that while a Technician in the Telecom Department is getting a pay scale of Rs.975-1660 after the implementation of the Fourth Pay Commission report, similarly placed persons doing identical functions in other departments are getting a pay scale of Rs.1320-2040 (Technician in the Telecom Research Centre), Rs.1200-2040 (Laboratory Technician in the Telecom Department), Rs.1400-2300 (Radio Technician) and Rs.1400-2300 (Junior Engineer). This disparity in pay creates an anomaly. According to the applicants their case requires immediate attention by the respondents. In order to rectify this anomaly, the Association ^{of} ~~in~~ _{to} which the applicants are members, started agitation which resulted in settlements referred to in Annexure-B, C and D. But these settlements were also not implemented. Consequently the applicants are not getting desired result on account of direct actions against the management.

4. Hence the learned counsel for the applicants vehemently contended that the sad predicament in which the applicants are placed has not been attended to either by the department or the Government or even the Pay Commission. Since they had exhausted all other avenues for redressing their grievances they have approached this Tribunal as a last resort for getting justice.

5. No counter affidavit has been filed in this case in spite of repeated opportunities having been given to the respondents on the request of the learned Senior Central Govt. Standing Counsel, who now expressed his inability to file counter affidavit on account of the non-cooperation of the concerned Government officers in charge of the matter. He submitted that in spite of his best efforts the respondents are not responding to his request and hence he is handicapped in answering the queries from the bench. Nevertheless he argued on the available materials and submitted that no relief can be granted in this case because the applicants have not submitted sufficient materials for granting the prayers in the O.A.

6. Having heard the matter at length, we are of the view that the applicants' grievance requires attention by the Government. There is some disparity in the pay structure as contended by the applicants and admittedly this was not examined by the Fourth Pay Commission on account of the negative attitude adopted by the department by representing that a rationalisation scheme is under consideration, but nothing turned out of the same in favour of the applicants. The agitation and the direct actions, though resulted in settlements, no effective relief was derived by the applicants out of the settlements.

7. From the submission of the learned counsel we understand that apparently the case of the applicants is based on the principles of 'equal pay for equal work'. This is a matter initially to be examined by the administrative authorities. It has been held so by this

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Tribunal (same bench) in O.A 67/90. The relevant portion of the judgment reads as follows:-

"We have gone through the judgment of the Supreme Court, as referred to by the applicants and find that the dicta in that case cannot be availed of by the applicants before us. The Supreme Court in that case also made it clear that equation of posts and equation of pay are matters primarily for the Executive Government and the Expert Bodies like the Pay Commission and not for the Courts to determine." (The case referred to above is AIR 1982 SC 879)

7. Accordingly in the interest of justice we dispose of this application directing the applicants to file a detailed representation before the first respondent within a period of two weeks from today stating all their grievances so that appropriate action could be taken by the first respondent to alleviate their grievances and render justice to them in case they have got a genuine grievance to be redressed on the facts and materials that they will produce before the respondents along with the representation. If such a representation is filed, the first respondent shall dispose of the same in accordance with law within a period of six months from the date of the receipt. The application is disposed of as indicated above. There will be no order as to costs.


(N. DHARMADAN)
JUDICIAL MEMBER

30.7.90


(S.P. MUKERJI)
VICE CHAIRMAN

30.7.90