

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Joint Appl.2252/2004 in
Diary No. 2259/2004
OA No. 184 / 2005

This the 26th day of April, 2005

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri M.K. Misra, Member (A)

Pawan Kumar & 29 Ors.

...Applicants

(By Advocate Shri D.N. Srivastava)

v e r s u s

Union of India & Ors.

...Respondents

(By Advocate Shri Deepak Shukla
proxy for Shri P. Kumar)

O R D E R (O R A L)

By Shri Shanker Raju,

Heard the learned counsel.

2. Applicants have filed this OA seeking upgradation of pay scale on the basis of the recommendations of Vth Pay Commission as it has been given to Shri S. Mani Mancha Singh who has filed OA No.65/2002 in the Guwahati Bench of this Tribunal. Equal pay for equal pay is to be granted where a person is situated identically in all respects and is performing the identical duties and discharging the common functions.

3. Guwahati Bench of the Tribunal in OA 65/2002 by an order dated 21.1.2004 in **S. Mani Mancha Singh v. UOI** directed the respondents to examine the claim for parity of pay scale and of pay scale of Rs.4500-7000 and Rs.5000-8000/-. On examination, the respondents by an order dated 13.4.2004 rejected the claim of the petitioners at Guwahati by stating that the nomenclature of the post in SSB is different.

4. The aforesaid is responded to by the learned counsel for the applicant by stating that the claim of the applicant who are either Senior Field Assistants or Assistants Field Officers (Veterinary) has not been considered despite several representations. One of the leg of the argument is that nowhere in S. Mani Mancha's case, comparison of performance of duties has been made and by drawing our attention to

the counter reply, it is stated that discharging of identical functions and duties has not been denied.

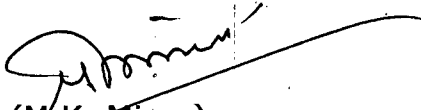
5. Be that as it may, in a judicial review, where parity of pay is claimed, this Court cannot assume the role of an expert body. It is for the Government to examine and grant parity.

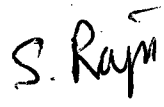
6. In this view of the matter, as the respondents have not yet disposed of the representation keeping in view the averments that the applicants are performing the identical functions at par with SSB, their claim is to be considered by the Government keeping in view the principle of 'equal pay for equal work' and the decision on the subject.

7. The decision in S. Mani Mancha Singh's case has not considered the parity vis-à-vis performance of identical duties.

8. The aforesaid directions be complied with within three months from the date of receipt of a copy of this order.

9. Let a number be given to this OA.


(M.K. Misra)
Member (A)


(Shanker Raju)
Member (J)

/vikas/

OR
By order
27/4/05
28/4/05