

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 667/87

Transfer Application No:

DATE OF DECISION 11.11.92

Shri M.P. Chavan Petitioner

Shri D.V. Gangal. Advocate for the Petitioners

Versus

Union of India and others. Respondent

Shri A.I. Bhatkar. Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice S.K. Dhaon, Vice Chairman

The Hon'ble Shri Ms. Usha Savara, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ? No
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. Whether it needs to be circulated to other Benches of the Tribunal ? No

*S.K.DHAON*  
(S.K.DHAON)  
Vice Chairman

NS/

(8)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 667/87

Shri M.P. Chavan

... Applicant.

v/s

Union of India through  
Secretary, Ministry of  
Health & Family Welfare,  
Nirman Bhavan, New Delhi.

Director, Family Welfare  
Training & Research Centre,  
IIPS Compound, Govandi Station Rd.,  
Deonar, Bombay.

... Respondents.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman  
Hon'ble Ms. Usha Savara, Member (A)

Appearance:

Shri D.V. Gangal, counsel  
for the applicant.

Shri A.I. Bhatkar for Mr.  
M.I. Sethna, counsel for  
the respondents.

ORAL JUDGEMENT

Dated: 11.11.92.

( Per Shri S.K. Dhaon, Vice Chairman )

The applicant, a Projectionist-cum-Sound  
Engineer in the Family Welfare Training and Research  
Centre, Bombay has approached this Tribunal with the  
grievance that he/has neither been given the benefit of  
3rd Pay Commission nor/has he been put at par with one  
Shri A.D. Thakre, a Projectionist in the Ministry  
of Health and Family Welfare, New Delhi.

A reply has been filed on behalf of  
respondents.

The 3rd Pay Commission's recommendation, as  
material, reads as under : -

" There is one post of Projectionist-cum-  
Sound Engineer in the pay scale of Rs.  
205-7-240-8-280 in the Department of  
Family Planning. This post is filled  
by direct recruitment from diploma holder  
in Cinematography having regard to the  
prescribed qualifications. We recommend the  
scale Rs. 425 - 640 ( Regised ). "

The aforementioned recommendations was  
implemented with effect from 1.1.73.

The applicant has not stated categorically that he is a direct recruit. However, he admits that he is not a diploma holder. In any view of the matter, he cannot take advantage of aforementioned recommendation.

On 16.12.78, the officer in charge of Family Welfare Training and Research Centre Bombay had sent a communication to the Section Officer, Ministry of Health and Family Welfare, New Delhi. The subject of the communication was : - "Revision of pay scale for the post of Projectionist-cum-Sound Engineer, at Family Welfare Training and Research Centre." It appears that the office in charge had ~~elicited~~ certain informations from the Ministry of Health and Family Welfare and also it appears that some controversy was going on regarding the fixation of pay of the Projectionist-cum-Sound Engineer in the Family Welfare Training and Research Centre, Bombay. On 14.1.87 the Programme Officer in the Ministry of Health and Family Welfare, Government of India, sent a D.O. to the officer in charge of Family Welfare Training and Research Centre, Bombay. By means of the said D.O. the bio-data of Shri A.D. Thakre aforementioned ( herein after referred to as Shri Thakre), was forwarded. This bio-data indicated that Shri Thakre was designated as Projectionist, he had passed VIII class and held a certificate course of Projectionist issued by the District Magistrate, Nagpur. His job responsibilities were shown as Organizing film-shows and operating 16 mm projector, his pay scale was mentioned as 1640 - 2300 and his pay was Rs. 1850/- with increment due on 1.1.87.

It is not in dispute that the applicant was ~~xxxxxxxx~~ designated as Projectionist-cum-Sound Engineer. He is Inter Science and holds the certificate in Cinematography. His job responsibilities are: to maintain and repair all the equipments at the centre i.e. (1) 16 mm Projector, (2) 8 mm Projector etc. Besides he

maintains the issue register of films and also purchases all the spare parts required for the repairs of the equipments and the maintenance of equipments.

Sometimes in February 1987, a communication was sent to the officer in charge of the Family Welfare Training and Research Centre, Bombay to the Undersecretary to Government of India, Ministry of Finance in connection of pay scale of Projectionist-cum-Sound Engineer. In this communication, the respective qualifications, job responsibilities etc. of the applicant and Shri Thakre were highlighted. A copy of the said communication was sent to the Pay and Accounts Office, Ministry of Health and Family Welfare, Medical Store Bombay, with the note that the pay of the applicant will be drawn from February 1987 onwards as Rs. 1640/- per month i.e. of minimum of the scale of Rs. 1640 - 2900 till a communication was received from Ministry of Finance, Implementation Cell, New Delhi. The stand taken by the respondents is that although the applicant has been given the minimum salary of Rs. 1640/- from the month of February 1987, but yet, he had not been put in the revised scale of Rs. 1640 - 2900. The reason being that the necessary sanction from the Government of India had not been received.

We see no reason as to why the applicant should not be placed in the revised scale of Rs. 1640 - 2900 so as to bring him at par with Shri Thakre. If the applicant is not better qualified than Shri Thakre, he is certainly equally qualified. The nature of the job of the two also appears to be similar. Nothing has been brought to our notice to indicate any qualitative differences between the work performed by the applicant and Shri Thakre. It will be unjust, if the principle of equal pay for equal work is not applied in the case of the applicant.

The learned counsel for the applicant has urged that we should give a direction that the applicant should be deemed to have been placed in the pay scale of Rs. 425 - 700 (unrevised) from 1973 on wards. We are not inclined to accept this. We find that on 27.7.81 the controversy had come to some what close but later on the same was revised by the officer in charge of the Family Welfare, Training and Research Centre, Bombay in 1987. That apart, it appears that, ~~xxxx~~ awaiting the sanction of the Finance Ministry, the officer in charge took a decision to direct the Pay and Accounts Officer to draw the salary of the applicant with effect from February 1987 onwards as Rs. 1640/- per month. It is stated that even today the sanction has not been received. In these ~~xxxx~~ circumstances, we feel that justice will be done to the applicant, if he paid in the scale of Rs. 1640 - 2900 from 1987.

With these observations this application is disposed off finally, but without any order as to costs.

*U. Savarkar*  
11.11.92  
(USHA SAVARA)  
MEMBER(A)

*S.K.Dhaon*  
(S.K.DHAON)  
VICE CHAIRMAN

NS/