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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 671/89 199
T.A. NO: ---

DATE OF DECISION 106 10-6-1993

MVS Murty & Others Petitioner

Mr. G. K. Masand Advocate for the Petitioners

Versus

U.O.I. & Ors. Respondent

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

CORAM:

The Hon'ble Mr. Justice M.S. Deshpande, Vice-Chairman

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

1. Whether Reporters of local papers may be allowed to ^{see} the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?


(M.S. DESHPANDE)
VC

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mbm

(76)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.671/89

MVS Murty

&

Others.

.. Applicants

-versus-

1. Secretary for finance
Govt. of India,
Deptt. of Expenditure,
North Block,
New Delhi - 110 011.

2. Scientific Adviser to
Raksha Mantri and Director
General Research & Development,
Room No.129, South Block,
New Delhi - 110 011.

3. Director of Personnel
Defence Research & Development
Organisation,
Directorate of Personnel
(RD-PERS-3)
D.R.D. O.
'B' Wing, Sena Bhavan,
New Delhi - 110 011.

.. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman

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

Appearances:

1. Mr.G.K.Masand
Advocate for the
Applicant.
2. Mr.A.I.Bhatkar
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 10-6-1993
(Per M.S.Deshpande, Vice-Chairman)

By this application the 56 applicants
seeks a direction to the respondents to grant
the pay scale of Rs.4500-5700 to the applicants
as against Rs.3700-5000 given w.e.f. 1-1-86
or date of assumption of appointment of

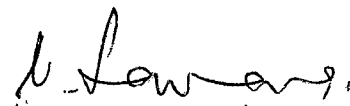
Scientist 'D', as the case may be, with all consequential monetary and service benefits.


2. It is not necessary for us to state the grievance raised in the application. It was contended that there were several scales of pay ~~as~~ equivalent or lower than those which were given to Scientist 'D' ~~which~~ pursuant to the recommendation of IVth Pay Commission ^{and they} came to be revised and granted the pay scale of Rs.4500-5700, ~~and~~ In some category ^{ies} they even awarded ^a the lower ^{scale} but ~~one~~ it was higher to that held by the present applicants, by raising them to Rs.4100-5300. Apart from these 17 categories there were others in the Department of Defence Research and Development Organisation in which there was discrimination.

3. The learned counsel for the respondents pointed out to us that O.A.621/88 which was filed by 197 applicants before the Hyderabad Bench of this Tribunal came to be decided on 5-3-90 following the ratio of V.Markendeya & Ors. Versus State of Andhra Pradesh and others (AIR 1989 SC 1308) and the claim for higher pay scales was rejected. Review application No.51 of 1990 which came to be decided on 23-7-1990 was also rejected. There the question raised was that some of the applicants came to be transferred to teaching institutions namely College of Military Engineering ^{and} had been awarded a higher pay scale. The Tribunal pointed out that these posts were not comparable to each other and the question of applying the principle of equal pay for equal work to the posts which carry different

responsibilities does not therefore, arise.

4. Though Mr. Masand urged that he had several other instances of discrimination to urge in support of the contention that the fixation of the pay scale of the applicants was arbitrary, we find that these additional facts which could have been placed when the earlier applications were decided, would not make the decision of the Hyderabad Bench any the less binding on us. O.A. is dismissed with no order as to costs.


(USHA SAVARA)
Member(A)


(M.S. DESHPANDE)
Vice-Chairman

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