

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 635/89

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DATE OF DECISION 26.3.1991

Shri M.Y.Koyande & Ors. Petitioner's

Shri G.D.Samant Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent's

Shri V.S.Masurkar Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. U.C.Srivastava, Vice Chairman

The Hon'ble Mr. M.Y.Priolkar, 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 ?

[Signature]

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

OA .NO. 635/89

Shri M.Y.Koyande & Ors. ... Applicants
v/s.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri U.C.Srivastava
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Mr.G.D.Samant
Advocate
for the Applicants

Mr.V.S.Masurkar
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 26.3.1991

(PER: M.Y.Priolkar, Member (A))

The grievance of the applicants is that they were posted to work as Master grade II while ~~they~~ serving as Mates during the period from 6.11.1987 to 17.7.1989 but they have been paid in the lower pay scale of the post of mates on the ground that they were merely redesignated as Master Gr.II and not promoted to the grade of Master Gr.II. The respondents in their written reply contend that prior to the recommendations of the 4th Pay Commission, pay scales prescribed for posts of Master Gr.II and Mates were identical and after some years of service as Mates, the Mates were posted to work as Master Gr.II so that they could obtain the minimum prescribed qualification for the next higher post of Master Gr.I. However, the Fourth Pay Commission recommended a higher pay scale for the

post of Master Gr.II, viz. Rs.1400-2300 than the pay scale of Mates which was Rs.1320-2040. According to the respondents, they represented to the Anomalies Committee appointed by the Government against this recommendation of the 4th Pay Commission of grant of higher pay scale to the Master Gr.II as compared to the Mate. But the Government also confirmed the Pay Commission's decision on the ground that the higher pay scale to the post of Master Gr.II is justified on the basis of their duties and responsibility attached to that post.

2. Admittedly, the applicants have actually worked in the post of Master Gr.II when the higher pay scale was attached to these posts during the period 6.11.1987 to 17.7.1989 but have been paid in the lower pay scale applicable to the post of Mates. The applicants were subsequently considered by a DPC and have been regularly promoted to the post of Master Gr.II w.e.f. 18.7.1989. The only question for our determination is whether they are also entitled to the higher pay scale during this period of 6.11.1987 to 17.7.1989 when they have carried out the work of Master Gr.II although they had not been regularly selected to these posts by a DPC. Since it is admitted that even during this period, the nature of duties and responsibilities attached to the post of Master Gr.II was not different than when the applicants were regularly selected and promoted to these posts, we have to hold that the applicants are entitled to the pay scale attached to these posts during this period 6.11.1987 to 17.7.1989 on the basis of the principle of equal pay for equal work. The respondents have not advanced any arguments for not paying the applicants in the scale of the post during this period, except that it was an

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anomaly which is stated to have been recognised by the Anomalies Committee. However, since the final decision of the Government is that the higher pay scale to the post of Master Grade II is justified, we do not see any merit in respondents still contending that the applicants are not entitled to the higher pay scale from 6.11.1987, when it is admitted that they have been discharging the duties and functions of Master Gr.II. The applicants' pay should be refixed in the higher pay scale from 6.11.1987 and they will be entitled to the arrears and other consequential benefits with effect from that date.

4. The application is disposed of with this direction, with no order as to costs.

M.Y. Priolkar
26.3.91
(M.Y. PRIOLKAR)

MEMBER (A)

U.C. Srivastava
(U.C. SRIVASTAVA)
VICE CHAIRMAN