CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1049/96 & 113/97

Transfer Application No.

Date of Decision 1.9.1997

B.V.Pawar & Ors.
Petitioner/s

Shri S.P.Saxena
Advocate for the Petitioners

Versus

Union of India & Ors.
Respondent/s

Shri Ravi Shetty for Shri R.K.Shetty
Advocate for the Respondents

CORAM :

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri. P.P.Srivastava, Member (A)

(1) To be referred to the Reporter or not ? No

(2) Whether it needs to be circulated to other Benches of the Tribunal ? No

(P.P.SRIVASTAVA)
MEMBER (A)

(R.G.VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.NO.1049/96 & OA.NO.113/97

Dated this the 1st September,1997

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha,Vice Chairman
Hon'ble Shri P.P.Srivastava, Member (A)

1. B.V.Pawar
2. M.R.Gaikwad (Applicants in OA.1049/96)

1. R.L.Pandey & Ors.(Applicants in OA.113/97)

Demonstrators,
Department of Basic Engineering,
National Defence Academy,
Khadakwasla, Pune - 411 023.

By Advocate Shri S.P.Saxena ... Applicants

V/S.

1. The Union of India
through the Secretary,
Ministry of Defence,
DHQ P.O., New Delhi-110 011.

2. The Director General of
Military Training,
General Staff Branch (MT 7),
Army Headquarters, DHQ,P.O.,
New Delhi.

3. The Commandant
National Defence Academy,
Khadakwasla, Pune-411 023.

By Advocate Shri Ravi Shetty
for Shri R.K.Shetty,C.G.S.C. ... Respondents

O R D E R

(Per: Shri Justice R.G.Vaidyanatha,VC)

These are two original applications filed by the respective applicants seeking a direction about fixing their pay scale. Both the applications are admitted and taken up for final hearing.

2. Heard the learned counsel appearing for the applicants and respondents.

.. 2/-

3. The applicants in both these applications are working as Demonstrators at National Defence Academy (NDA) Khadakwasla, Pune. They are now in the pay scale of Rs.1320-2040. Their grievance is that UGC had recommended pay scale of Rs.1740-3000 to all the Demonstrators but the respondents have denied this scale of pay to the applicants; that is how they have approached this Tribunal for declaration that they are entitled to pay scale as per the UGC recommendation and to direct the respondents to fix them at the pay scale of Rs.1740-3000 with effect from the date they were made applicable to the teaching staff of NDA and to pay the arrears etc.

4. The respondents have filed a written statement opposing the applications. The main defence is that the work of the Demonstrator at NDA is of a different type and does not compare with the work load of Demonstrators in the other colleges of the University. It is pointed out how there is difference between the work load of Demonstrators at NDA and the Demonstrators in the other colleges of the University. It is, therefore, pointed out that the question of"equal pay for equal work" does not arise. The principle of "equal pay for equal work" is not attracted to this case. It is not necessary to refer to other contentions in the written statement since the point in dispute can be disposed of on a short ground.

.. 3/-

5. It is brought to our notice that an identical question arose before the Central Administrative Tribunal, Allahabad Bench in OA.No. 537/89. In that case, the applicants were Demonstrators in the Army Cadat College who sought identical reliefs claiming the pay scale of 1740-3000 as recommended by the UGC for all Demonstrators of the University. After hearing both the sides, the learned Members of the Tribunal by order dated 16.2.1996 accepted the contention of the applicants and granted pay scale of Rs.1740-3000 to the Demonstrators of the Army Cadat College.

6. The learned counsel for the respondents did not dispute before us that there is no difference between the Demonstrators of NDA and ACC. Therefore, what is applicable to the Demonstrators of ACC should automatically apply to the Demonstrators of NDA.

7. It is also brought to our notice that the respondents had challenged the order of the Tribunal before the Supreme Court in SLP No.23129/96. After hearing both the sides and perusing the various documents and the impugned judgement, the Apex Court observed that there is no reason to interfere, and the SLP came to be dismissed. Therefore, as far as respondents are concerned, the order of the Tribunal has become final. Since the applicants are similarly situated as the Demonstrators of ACC, they are entitled to same pay scale of Rs.1740-3000. As far as the question of arrears is

.. 4/-

concerned,we notice that the applicants approached this Tribunal only in October,1996 in the first case and in the second case in January,1997. The applicants in both the cases are Demonstrators in the same institution, viz. NDA. Normally, an applicant should come to court within one year from the date when the cause of action arose. Since the applicants have come after a long lapse of time, we feel that they are entitled to arrears of emoluments for a period of one year prior to the date of first petition. In our view, the applicants are entitled to fixation of pay scale notionally as on 1.1.1986 but they will be entitled for arrears of emoluments only from 1.10.1995.

8. In the result, both the applications are allowed. We, hereby, declare that the applicants in both the cases are entitled to pay scale of Rs.1740-3000. The respondents are directed to notionally fix the pay scale of the applicants in the said scale w.e.f. 1.1.1986 but the applicants are granted arrears of emoluments only from 1.10.1995.

In the circumstances of the case, there will be no orders as to costs. Both the applications are disposed of accordingly.

(P.P.SRIVASTAVA)
MEMBER (A)

(R.G.VAIDYANATHA)
VICE CHAIRMAN

mrj.

CENTRAL ADMINISTRARIVE TRIBUNAL
MUMBAI BENCH

CONTEMPT PETITION NO.13/98
IN
ORIGINAL APPLICATION NO.1049/96.

Shri B.V. Pawar & anr. ...Applicant.

V/s

Min. of Defence & ors. ...Respondents.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, V.C.
Hon'ble Shri D.S. Baweja, Member(A)

TRIBUNAL'S ORDER : DATE: 10.7.98

Heard Counsel for the parties. The Counsel for the applicant submits that the Respondents have since implemented the order, he does not want to press C.P.NO.13/98. Accordingly, C.P. 13/98 is disposed of as withdrawn.

NO.CAT/BOM/JUDL/O.A.1049/96/4033/4034 DATE: 22/7/98

Copy to:

1. Shri S.P. SAXENA, Counsel for the applicant.
2. Shri R.K. Shetty, Counsel for the respondents.