

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 21 MAR 1989

APPLICATION NOS. 1153 to 1164/88(F)

Applicants

Respondents

Shri T.S. Ravindra & 11 Ors

V/s The Director, Geological Survey of India,
Bangalore & 2 Ors

To

1. Shri T.S. Ravindra
119/1, 6th Main
Between 6th & 7th Cross
Mallasewara
Bangalore - 560 003
2. Shri Ramiah
23rd Main, Mummalarajus Building
No. 2, Maranahalli
J.P. Nagar II Phase
Bangalore - 560 078
3. Shri N.V. Gangadheraiah
C/o Munenappa Buildings
No. 2, II Phase, 1st Cross
Maranahalli, J.P. Nagar
Bangalore - 560 078
4. Shri H. Rangegowda
C/o Chairman Karianna
Sunkadha Kette
Vishvanandam Post
Bangalore - 560 091
5. Shri T.C. Thimmegowda
No. 263, II Main, III Cross
Shivanahalli
Bangalore - 560 010
6. Shri K.C. Chikkanna
C/o Shri B.H. Kumar
No. 1, Corporation Quarters
1st Cross, Magadi Road
Bangalore - 560 023
7. Shri T.N. Hennagaiah
No. 311, 6th Cross
Maddi Block
Mariyappanapalya
Bangalore - 560 021
8. Shri B. Chikkanna
No. 32, II Stage
Mysore Road
Bangalore - 560 026
9. Shri N. Ramachandran
No. 34, Devappa Buildings
Maranahalli, J.P. Nagar II Phase
Bangalore - 560 078
10. Shri P.V. Krishnappa
No. 219, 37th 'A' Cross
8th Block, Jayanagar
Bangalore - 560 041
11. Shri Kalegowda
S/o Shri Kemperangowda
Vajahalli, Thalgetpura Post
Kanakapura Road
Bangalore South
12. Shri P.N. Anandareo
No. 741, Divendrapalya
Opp. MSR High School
Bangalore - 560 054
13. Br M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

9/5/89
K. V. J. V.
21-3-89

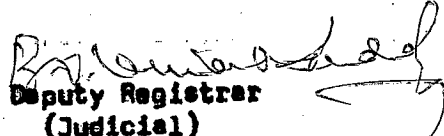
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14. The Director
Geological Survey of India
AMSE Wing
No. 2, Church Street
Bangalore - 560 001
15. The Director General
Geological Survey of India
No. 27, Jawaharlal Nehru Road
Calcutta - 700 016

16. The Secretary
Ministry of Steel & Mines
Department of Mines
New Delhi
17. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER passed by this Tribunal
in the above said applications on 17-3-89.


Deputy Registrar
(Judicial)

Encl : As above

o/c

98550
K. M. J. M.
21-3-89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

Dated the 17th Day of March, 1989.

Present

THE HON'BLE MR. JUSTICE K.S. PUTTASWAMY VICE CHAIRMAN

THE HON'BLE MR. L.H.A. REGO .. MEMBER(A)

APPLICATIONS NOS. 1153 TO 1164 OF 1988(F)

1. T.S. Ravindra
26 years,
S/o T.G. Subba Rao
119/1, 6th Main
Malleswaram
Bengalure-3
Applicant in Appln. 1153/88
2. Ramesh S/o Shivappa Shetty
28 years, 23rd Main
Mummalarajus building
No. 2, Marenahalli
J.P. Nagar II Phase
Bengalure-78
-do- " 1154/88
3. N.V. Gangadharraiah S/o V.
Veeraiah, 28 years,
C/o Munanjappa buildings
No. 2 II Phase I Cross
Marenahalli, J.P. Nagar,
Bengalure-78.
-do- " 1155/88
4. H. Rangegowda
40 years, S/o Halrangaiah
C/o Chairman Karianna
Sunkadakatte,
Vishwanedam post,
Bengalure-91
-do- " 1156/88
5. T.C. Thimmegowda
S/o Thimmegowda
36 years,
No. 236, II Main, III Cross
Shivanahalli, Bengalure-10
-do- " 1157/88

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6. K.C.Chikkanna
35 years,
S/o Late Sannachickaiiah
C/o B.H.Kumar
No.1, Corporation Quarters
1st Main Cross, Magadi Road,
Bangalore-23. Applicant in A.1158/88
7. T.N.Honnagaiah
38 years,
S/o Nanjaiah
No.311, 6th Cross
Masdi Block
Mariyappanapalyam
Bangalore-21. -do- 1159/88
8. B.Chikkanna
32 years
S/o Boraiah
No.32, II Stage,
Mysore Road
Bangalore-26 -do- 1160/88
9. N.Ramechandran
38 years
S/o Late Natesan
No.34, Devappa Buildings
Marenahalli, J.P.Nagar,
II Phase, Bangalore-78 -do- 1161/88
10. P.V.Krishnappa
36 years,
S/o P.Varadappa
No.219, 37th A cross
8th Block, Jayanagar
Bangalore-41 -do- 1162/88
11. Kalegowda
38 years
S/o Kemperangegowda
Vajahalli, Thalgaatpura post
Kanakapura Road, Bangalore South -do- 1163/88

12. P.N.Anand Rao

28 years

S/o R.Narasimha Rao

No.741, Divendrapalya

Opp:MSR High School,

Bangalore-54.

.. Applicant in A.No.1164/88

(By Dr.M.S.Nageraja, Advocate for the applicants)

-vs.-

1. The Director

Geological Survey of India

AMSE Wing

No.2, Church Street,

Bangalore-1.

2. The Director General

Geological Survey of India

27, Jawaharlal Nehru Road,

Calcutta-16

3. Union of India by its

Secretary

Ministry of Steel and Mines

Department of Mines

New Delhi.

.. Respondents.

(By Shri M.Vasudeva Rao, Addl.Standing Counsel
for Central Govt. for respondents)

These applications coming on for hearing
this day, HON'BLE MR.L.H.A.REGO, MEMBER(A), made
the following:

ORDER

These are in all twelve applications,
wherein, the main prayer herein is to direct the
respondents, to consider their case objectively, for
assigning the pay scale of Rs.260-430(pre-revised)


from



from the date of their appointment, as Technical Operators (TOs) and the revised pay scale for that post, with effect from 1-1-1986 as recommended by the IV Central Pay Commission (IV CPC, for short) with consequential benefit. As these applications are analogous on facts and law, we propose to dispose them of, by a common order.

2. The following are the salient facts. The applicants are at present working as TOs, in the revised pay scale of Rs.800-1150 (Rs.210-290 pre-revised), in the Office of the Geological Survey of India (GSI) in the Airborne Mineral Surveys and Exploration Wing ('AMSE' for short), Bangalore, under the immediate control of respondent (R) 1. The GSI, is primarily responsible, for geological mapping, geo-physical survey, mineral investigation, including off-shore mineral exploration, geo-technical investigation etc.

3. A Review Committee, under the Chairmanship of Shri A.K.Ghosh, was appointed by the Government of India (GOI) in 1978, to consider rationalisation of pay scales of the posts, in Groups 'C' and 'D' cadres, in the GSI. Pursuant to the recommendations of this Committee, the GOI rationalised the pay scales of the respective posts, in the two streams in the GSI,


viz.,

viz., "Geology" and "Chemical" and redesignated these posts as under:

S.No.	Existing designation.	Existing scale of pay (Rs.)	Revised designation.	Revised scale of pay (Rs.)
(1)	(2)	(3)	(4)	(5)
I. GEOLOGY STREAM				
(i)	Sr.Tech.Asstt. (Geology)	550-900	Senior Technical Assistant (Geology)	550-25-750-EB-30-900.
(ii)	Sr.Tech.Asstt. (Pet/Pal)			
(iii)	Jr.Tech.Asstt. (Geology)	.. 425-700	Jr.Tech. Assistant (Geology)	425-15-500-EB-15-560-20-700.
(iv)	Tech.Asstt. (Pot/Pal)			
(v)	Laboratory Asstt. (Pet/Pal)	.. 380-560	Laboratory Assistant (Geology)	330-10-380-EB-12-500-15-560.
(vi)	Laboratory Asstt. Museum (Pet/Pal)	.. 330-480		
(vii)	Head Section Cutter.	.. 330-480		
(viii)	Museum Attendant.	.. 210-290	Technical Operator (Geology)	210-4-226-EB-4-250-EB-5-290.
(ix)	Section Cutter			

II. CHEMICAL STREAM

(i)	Sr.Tech.Asstt. (Chemical)	.. 550-900	Sr.Tech. Asstt. (Chem)	550-25-750-EB-30-900.
(ii)	Jr.T.A. (Chem)	.. 425-700	Jr.T.A. (Chem)	425-15-500-EB-15-560-20-700.
(iii)	Glass Blower.			

(iv)



(1)	(2)	(3)	(4)	(5)
(iv)	Laboratory Asstt.(Chem)	380-560	Laboratory Assistant.	380-12-500-EB-15-560.
(v)	Laboratory Operator (Chem)	260-480	Tech. Operator.	210-4-226-EB-4-250-EB-5-290.
(vi)	Tech. Attendant.	210-270		
(vii)	Laboratory Attendant.	210-270		

4. The details of classification of the posts with which the applicants are concerned, and their sanctioned strength in respect of the posts, before and after rationalisation of pay scales as above, are as below:

S.No.	Designation of the post	Classification	Scale of pay (Rs.)	Sanctioned strength.
(1)	(2)	(3)	(4)	(5)
<u>I. Prior to rationalisation</u>				
(i)	Museum Attendant	Gr. 'C'	210-290	5
(ii)	Section Cutter	Gr. 'D'	210-290	68
(i)	Laboratory Operator (Chem)	Gr. 'C'	260-430	15
(ii)	Lab. Attendant	Gr. 'D'	210-270	71
(iii)	Tech. Attendant	Gr. 'D'	210-270	33
<u>II. After rationalisation</u>				
(i)	Tech. Operator	Gr. 'C'	210-290	73
(ii)	(Geology)			
(i)	Technical			
(ii)	Operator	Gr. 'C'	210-290	119
(iii)	(Chemical)			

The sanctioned strength of TOs(Geology), is said to have been stepped up, to 101, with the addition of 28 new posts by the GOI, in 1982. The sanctioned strength of TOs(Chemical) also increased to 144, with the inclusion of 25 new posts by the GOI, since 1981.

5. Rationalisation of the pay scales as above, is said to have taken place, consequent upon the merger of the Indian Bureau of Mines(IBM) with the GSI. Originally, the posts of TOs are said to have been categorised as Class III (Group 'C'), but came to be downgraded as Group 'D', after the merger of IBM with the GSI, with effect from 1-1-1966. However, on acceptance of the recommendations of the aforesaid Review Committee, these posts were restored to Group-C status from 1980, but they were assigned Class IV pay scale, namely, Rs.210-290, which actually corresponded to that of Group 'D'. The recommendations of the 1978 Ghosh Review Committee, were accepted by the Ministry of Steel and Mines, GOI, on 24-8-1978(Ann.A) but were actually given effect to, from 20-12-1980(Annexures 'B' to 'D').

6. The applicants state, that they perform the following duties:

"(i) Preparation of thin, polish sections of different types of rocks/ores/minerals/fossils and related work.

(ii)



- (ii) To assist the Curator-in-charge of gallery.
- (iii) Cutting and polishing of geological samples.
- (iv) To work in geology/mineral physics/geochromology/palaemotology laboratories of the GSI.
- (v) Assisting the Senior Scientific Officer in the Laboratory, in the preparation of samples, reagents, solutions etc."

7. They allege, that their counterparts in the other Departments of the GOI, whose qualifications, nature of duties and responsibilities, are similar to theirs, are yet, drawing a higher pay scale viz., Rs.260-430(pre-revised).

8. In order to secure parity with them, they state, that they had addressed a series of representations, to the concerned authorities, but to no avail. They were however under the hope, that the IV CPC, would examine the matter objectively, and place them on par with their counterparts, in the concerned Departments of the GOI, both in regard to pay scale and classification of post. They allege, that it failed to do so, on account of which, they addressed further representations in the matter, to the authorities concerned (Ann.A2 and A3), to which there was no favourable response, as the GOI, by their Letter dated 27-4-1988(Ann.A4) informed them, that anomalies

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as alleged by them, had not arisen in their case, out of the recommendations of the IV CPC, and therefore, it was not feasible at this late stage, to reopen the recommendations of the 1978 Ghosh Review Committee. Aggrieved, the applicants have come before us, for redress, through their present applications.

9. The respondents have filed their reply, resisting the applications.

10. Dr.M.S.Nagaraja, learned Counsel for the applicants, contended, that the Laboratory Assistants/ Junior Laboratory Assistants, working in some of the other Departments of the GOI, who possessed similar qualifications and discharged duties and responsibilities of a like nature, as his clients, were drawing a higher revised pay scale viz., Rs.875-1040, as compared to theirs, which is Rs.800-1150.

11. In the National Tuberculosis Institute, Bangalore, he said, the Laboratory Assistants, possessing SSLC qualification and two years of experience and performing similar duties as his clients, were drawing a higher revised pay scale of Rs.875-1450(Ann.A-5).

12. He cited another instance, of Junior Laboratory Assistants in the National Aeronautical Laboratory, Bangalore, with like experience and educational qualification, as also similar nature of duties, ~~was~~ drawing

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a higher revised pay scale of Rs.950-1400(Ann.A-6).

13. The Laboratory Assistants in the Office of the Development Commissioner, Handicrafts, Technical Wing, Bangalore, with similar experience, nature of duties and educational qualifications, he pointed out, were drawing a higher revised pay scale of Rs.950-1400(Ann.A-7).

14. The other examples which he quoted, in regard to posts, comparable to those of his clients, by way of nature of duties, responsibilities and qualifications, in other Departments of the GOI, where higher revised pay scales were sanctioned, were as below:

S.No.	Department	Post	Revised pay scale Rs.	Reference to the IV CPC Report.
(i)	Department of Posts.	Postman	825-1200	Paras 10.50 and 10.51, Chapter 10.
(ii)	-do-	Lineman/ Wireman.	825-1200	Paras 10.68 <u>ibid</u>

15. It was unjust and invidious, he alleged, that while all other cadres, with minimum educational qualification of Matriculation, in various other Departments in the GOI, were categorised as Group 'C' and paid higher salary, corresponding to that ^{4 of} Group 'C', only his clients, though placed in Group 'C', strange enough, were placed, in a lower revised pay scale of Rs.800-1150

corresponding

corresponding to that of Group 'D'. The assignment of Group 'C' status, was thus only namesake, he averred, without commensurate financial benefit, which he alleged, acted as a serious disincentive, to his clients, and was a flagrant denial of the fundamental rights of equality before law and equality of opportunity, in matters of public employment, guaranteed to every citizen, under Articles 14 and 16 respectively of our Constitution. The concept of "equal pay for equal work", was not a mere abstract doctrine, but an explicit mandate, to be implemented by the GOI, as the touchstone of equality, enshrined in the above two Articles of the Constitution, were the greatest of guarantees for the citizens and to civil servants in particular, in the context of this case, he asserted. The basic principle which informed these Articles, he stressed, was equality and inhibition, against discrimination.

16. There was yet another anomaly, he pointed out. The post of Technical Helper in the GSI, for which the minimum educational qualification was middle school examination (pass) and was in Group 'D', carried the same revised pay scale viz., Rs. 800-1150, as the posts of TOs (Chemical) and (Geology), though the latter posts were categorised as Group 'C' and the former was a feeder channel to them, on satisfactory completion of years of service. Besides, the latter posts had a

higher



higher minimum educational qualification viz., Matriculation or its equivalent, with a science subject.

17. The IV CPC, he complained, grossly overlooked ~~that~~^{at} this anomaly, and the case for equality in respect of the cadre of Technical Operators, with corresponding posts in various other Departments of the GOI, even though the qualifications, nature of duties and responsibilities involved, were alike. Citing the decision of the Chandigarh Bench, of the Central Administrative Tribunal, in ATR 1988(2) CAT 44 (RAJINDER KUMAR RAWAT & ORS. v. PRINCIPAL, PUNJAB ENGINEERING COLLEGE, CHANDIGARH), he urged, that since the case of his clients, suffered from the taint of discrimination, this Tribunal was competent to direct R-3, to restore parity to the cadre of TOs, in regard to pay scale, as compared to corresponding cadres in the other Departments of the GOI and this was a fit case, where it should not hesitate to interfere, to grant redress to the applicants.

18. Shri M. Vasudeva Rao, learned Counsel for the respondents, sought to demolish the various contentions urged as above, by Dr. Nagaraja. He urged that equation of posts was not a mechanical process and called for a critical and incisive analysis of a

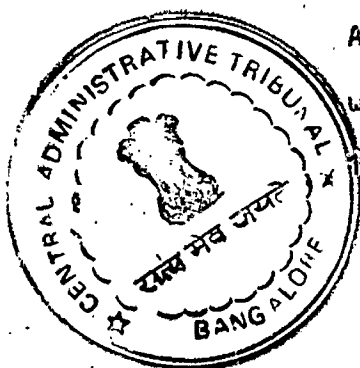

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host of relevant factors and parameters, which a competent body like the Pay Commission and the Executive Government, could only undertake, as observed by the Supreme Court, in AIR 1989 SC 19 [STATE OF U.P. & ORS. -v- T.P. CHAURASIA & ORS.] on which he strongly relied, particularly on paras 17 and 28 of that judgment.

19. In this regard, he also called in aid, the dicta of the Supreme Court in AIR 1968 SC 850 [UNION OF INDIA & ANR. -v- P.K. ROY & ORS.] in regard to the factors to be taken into account, while considering equation of posts, in the context of which, he pleaded, that no injustice was caused to the applicants, in assigning the revised pay scale to the posts of TOs (Geology) and (Chemical).

20. Prior to merger of the erstwhile E.N. Wing of the IBM with GSI, with effect from 1-1-1966 (para 5 above), the post of Laboratory Attendant in the GSI, carried a pre-revised pay scale of Rs. 85-128 and was classified as Group 'C', while a post of like designation in the IBM, was borne on the pre-revised pay scale of Rs. 85-110 and was classified as Group 'D'. Since there was no incumbent in the post of Laboratory Assistant in the GSI, this post came to be merged with that of erstwhile IBM, in the pay scale of Rs. 85-110 and re-designated as Laboratory Attendant and

reclassified



reclassified as Group 'D'. The applicants he averred, were not affected thereby, as they were appointed later.

21. The various representations addressed by the applicants to the concerned authorities, in regard to amelioration of their revised pay scale, were duly considered, by the taking all factors into account, when it was noticed, that there was no anomaly, as alleged by them and that the revised pay scale assigned to them, in the posts of TOs, was just and proper, as recommended by the IV CPC, he said.

22. We have examined carefully, the rival contentions, as also the material placed before us by both sides. This case rests essentially, on the principle of "equal pay for equal work", as enshrined in Articles 14 and 16 of our Constitution.

23. About a week ago, we had occasion to hear ^{at length} ~~at length~~ allied matter, in Applications Nos. 687 to 690 and 691 to 694 of 1988(F) H.S. ANANTHAPADMANABHA & 7 ORS. -vs.- UNION OF INDIA & ORS., in which we pronounced orders today earlier. That matter related to the equivalence, sought by the applicants therein, between the ministerial posts of Deputy Office Superintendents viz., Levels I and II, in the Department of Central Excise, in regard to pay scales and their unification into one cadre and thereafter, similar equivalence with the executive post of Inspector of Central Excise, in


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the same Department. We have discussed the case law therein, comprehensively and in depth, taking into account, the various factors involved, in regard to the concept of "equal pay for equal work", similarly urged therein, invoking Articles 14 and 16 of the Constitution. As the facts in those cases, as well as the question of law involved, are analogous to the present cases, the principles which we have enunciated therein, apply mutatis mutandis, to the latter.

24. Numerous factors and indices are involved in the comparison of posts/cadres. They are, the nature of duties of the post, the responsibilities and powers exercised therein, the extent of territorial or other charge held or responsibilities discharged; the minimum qualification and/or experience if any, prescribed for the post, salary of the post etc. The nature of duties in the field, in particular, may entail risk and hazard to life, in vulnerable conditions from anti-social elements; posting in the remote interior, where basic amenities of life such as health, education and essential commodities, may not be within easy reach; rugged terrain, inhospitable environment and insalubrious climate, as in arid, desert regions, as also in dense secluded forest areas, with conditions aggravated, by poor means of communication etc. In intra-mural work-sites, as in laboratories and workshops, risk of infection from contagious



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contagious diseases, as in hospitals and allied institutes, as in the case of the National Tuberculosis Institute, leprosaria etc., and ill-effects of radiation as in atomic research laboratories, cannot be lost sight of. Even among clerical staff, the nature and responsibility of work, vary vastly, depending upon the secrecy and confidentiality of files and correspondence to be maintained and their safe custody. Quantity of work may be the same but their quality may vary. Thus, a series of factors and parameters, permute and combine, in varying degrees, to come into play, the net result of which, should ultimately determine, the correct equivalence of the posts.

25. A common designation of posts and cadres in this context would be extremely delusive, as in the case of drivers, laboratory assistants/attendants and stenographers,- to cite a few examples. In this regard, it is apt to quote the legal maxim that "nothing similar is identical" - nihil simile est idem.* The Supreme Court has graphically brought out the nuances, in 1982(1) SC 490 AIR 1982: 1982 SCC (L & S) 119 [RANDIR SINGH v. UNION OF INDIA AND OTHERS], pertaining to drivers, and in AIR 1987 S.C. 2049: 1988 SCC (L&S) 673: (1988)3 SCC 9 [FEDERATION OF ALL INDIA CUSTOMS & CENTRAL EXCISE STENOGRAPHERS & ORS. -vs.- UNION OF INDIA & ORS.] in regard to Stenographers.



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The conditions under which the drivers are required to work, may vary vastly, in urban as compared to far-flung rural areas, which may extend even to the remote interior forest regions, where factors, such as ruggedness of the terrain, risk to life from anti-social elements, inclement climate etc., are factors, which cannot be left unreckoned.

26. Taking all these factors into account, the Supreme Court has sapiently observed, in AIR 1989 SC 19 [STATE OF U.P. & ORS. -vs.- T.P. CHAURASIA & ORS.]⁷, that the matter of equivalence of posts and pay scales, should best be left, to the sound judgment of expert bodies, like the Pay Commission, ill-equipped as the Courts (and Tribunals) are, to resolve this complex issue.

27. In the present case, we notice that the 1978 Ghosh Review Committee, as well as the IV CPC, have given due thought, to rationalisation of pay scales in the GSI, not excluding the pay scales of the posts of IOs. We have no compelling reason, to differ from their expert judgment, particularly in the light of the dicta of the Supreme Court in CHAURASIA's case. Experto crede - "trust one, who has tried or had experience", says the maxim.



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28. We

28. We notice, that the post of Laboratory Attendants in the GSI, has had a chequered history in regard to its classification. Prior to merger of the IBM with the GSI, with effect from 1-1-1966, it was categorised as Group 'C' and thereafter downgraded as Group 'D'. Its Group 'C' status however, was restored in 1980, when the recommendations of the 1978 Ghosh Review Committee, were accepted by the GOI but the pay scale that was assigned to this post, corresponded to that of Group 'D'. Though this is a "seeming disparity", Shri Rao clarifies, that it has a precedent, in certain other posts, in some of the Departments of the GOI, as such, categorisation, though detracting from direct benefit in regard to pay scale, is not without its advantage, in some other service matters. In this background, we do not wish to enter into administrative thickets and unravel this "seeming disparity".

29. The instances of higher pay scales, cited by Dr. Nagaraja, in paras 11 to 14 above, are of little avail to him, in the light of what we have explained in the foregoing. For the same reason, the decision of the Chandigarh Bench of the Central Administrative Tribunal relied upon by him, in RAJINDER KUMAR RAWAT's case (para 17 above), does not come to his succour.

30. Viewed

30. Viewed as a whole, we are satisfied that no injustice has been caused to the applicants, in assigning them the revised pay scale in the posts of TOs. We, therefore, dismiss these applications as devoid of merit, with no order however, as to costs.

sd/-

(K.S. PUTTASWAMY)
VICE CHAIRMAN.

sd/-

(L.H.A. REGO) P 17-3-89
MEMBER (A)



TRUE COPY

[Signature]
DEPUTY REGISTRAR (JDL) 21/3/89
CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE