

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex(BOA)  
Indiranagar  
Bangalore - 560 038

Dated : 9 MAY 1988

IA I IN APPLICATION NOS. 263 to 281, 4 to 6, 21 to 26, 28 to 33,  
39 to 44, 59 to 63, 120, 121 to 132,  
135 to 139, 188 to 215, 218 to 239,  
240 to 251, 253 to 262, 283 to 303,  
415 to 435/88(F) & 1078 to 1083/87(F)

Applicants

Smt A. Manjula & Ors

Respondents

V/s

The Accountant General (A&E), Karnataka,  
Bangalore & 2 Ors

To

1. Dr M.S. Nagareja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009
2. The Accountant General  
(Accounts & Entitlements)  
Karnataka  
Bangalore - 560 001
3. The Comptroller & Auditor General  
of India  
No. 10, Bahadur Shah Zafar Marg  
New Delhi - 110 002
4. The Secretary  
Ministry of Finance  
Department of Expenditure  
New Delhi - 110 001
5. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001
6. 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 the copy of ORDER passed by this Tribunal  
in the above said applications on 4-5-88.

  
SECTION OFFICER  
(JUDICIAL)

Encl : As above

**In the Central Administrative  
Tribunal Bangalore Bench,  
Bangalore**

**ORDER SHEET**

Application Nos. 263 to 281, 4 to 6, 21 to 26, 28 to 33, 39 to 44,  
59 to 63, 120, 121 to 132, 135 to 139, 188 to 215,  
218 to 239, 240 to 251, 253 to 262, 283 to 303,  
415 to 435/88(F) & 1078 to 1083/87(F)

Respondent

Applicant

Smt A. Manjula & Ors  
Advocate for Applicant

V/s

The AG (A&E), Karnataka, B'lore & 2 Ors  
Advocate for Respondent

Dr M.S. Nagaraja

M.S. Padmarajaiah

Date	Office Notes	Orders of Tribunal
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**TRUE COPY**

*[Signature]*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

LHAR/RKR

Applicants by Dr.M.S.Nagaraj  
and respondents by Shri M.S.Padmarajaiah.

Shri Padmarajaiah requests  
for extension of time by three months to  
comply with our orders. Dr.Nagaraj has  
no objection. Request granted.

*[Signature]*

*[Signature]*

MEMBER(A) 4.5.88.  
4.5.88

*[Signature]*

MEMBER(J)  
4.5.88

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 19 JAN 1989

CONTEMPT

PETITION (CIVIL) APPLICATION NOS 327 to 409, 410 to 416, 417 to 429 & 434 to 442/88  
IN APPLICATION NOS. 218 to 239, 263 to 281, 283 to 303, 415 to 435, 625 to 631, 632 to 637,  
W.P. NO. 647 to 653, 769 to 771 & 866 to 871 / 88(F)

Applicant(s)

Shri P. Chander Mohan & 111 Ors  
To

Respondent(s)

V/s The Accountant General (A&E), Karnataka,  
Bangalore & 2 Ors

1. Shri I.M. Shariff  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009
2. Shri R.S.A. Rao  
Accountant General  
(Accounts & Entitlements)  
Karnataka  
Bangalore - 560 001
3. Shri T.N. Chaturvedi  
Comptroller & Auditor General of India  
No. 10, Bahadur Shah Zafar Marg  
New Delhi - 110 002

4. Shri S. Venkataraman  
Secretary  
Ministry of Finance  
Department of Expenditure  
New Delhi - 110 001
5. Shri M.S. Padmarajaiah  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH.

Please find enclosed herewith the copy of ORDER/~~STAY~~/INTERIM ORDER  
C.P. (Civil)  
passed by this Tribunal in the above said application(s) on 18-1-89.

*RA. Venkatesh*  
DEPUTY REGISTRAR  
(JUDICIAL)

Encl : As above

Date

Office Notes

Orders of Tribunal

18.1.1989

KSPVC/LHARMC.P. 410 to 416/88(F)

Petitioners by Shri I.M.Shariff.

Respondents by Shri M.S.Padmarajaiah.

2. In these petitions made under Section 17 of the Administrative Tribunals Act, 1985 and the Contempt of Courts Act, 1971, the petitioners have moved this Tribunal to initiate Contempt of Court proceedings against the respondents for non-implementation of the orders made in their favour by this Tribunal..

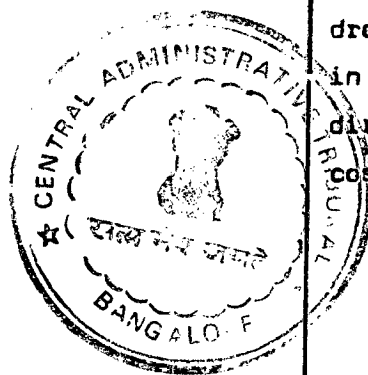
3. Shri Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the respondents brought to our notice that the Hon'ble Supreme Court had stayed the operation of the orders made in favour of the petitioners and, therefore, submitted that these Contempt of Court proceedings are liable to be dropped. We find this submission of Shri Padmarajaiah is correct. On this, these contempt proceedings are liable to be dropped. We, therefore, drop the contempt proceedings. But in the circumstances of the cases we direct the parties to bear their own costs.

C.P. No.327 to 409,  
417 to 429 and  
434 to 442/88(F)

Petitioners by Shri I.A.Shariff.

Respondents by Shri M.S. Padmarajaiah.

2. In these petitions made under Section 17 of the Administrative Tribunals Act, 1985, and Contempt of Courts Act, 1971, the petitioners have moved this



**In the Central Administrative  
Tribunal Bangalore Bench,  
Bangalore**

C.P. (Civil) Nos. 327 to 409, 410 to 416, 417 to 429 & 434 to 442/88

P. Chander Mohan & 111 Ors

V/s The AG (A&E), Karnataka, Bangalore & 2 Ors

Order Sheet (contd)

I.M. Shariff

M.S. Padmarajaiah

Date	Office Notes	Orders of Tribunal
		<p>Tribunal to initiate contempt proceedings against the respondents for non-implementation of the orders made in their favour by this Tribunal.</p> <p>3. Shri Padmarejaiah, learned Senior Central Government Standing Counsel, appearing for the respondents placed before us, orders made by the authority in favour of the petitioners pursuant to the orders of this Tribunal subject to the terms and conditions specified therein. We are of the view that the aforesaid orders of the authority which would eventually result in payments to the petitioners implementing the orders made in their favour by this Tribunal. In these circumstances we consider it proper to drop these contempt proceedings against the respondents. We, therefore, drop these contempt proceedings against the respondents. But in the circumstances of the cases we direct the parties to bear their own costs.</p>

*[Signature]*  
DEPUTY REGISTRAR (JD)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

Sd/-  
(K.S. PUTTASWAMY)  
VICE CHAIRMAN  
18.1.1989

Sd/-  
(L.H.A. REGO)  
MEMBER (A)  
18.1.1989

Sl. no 14. (R)

D.No. 3761-81/88 IVA

SUPREME COURT OF INDIA  
NEW DELHI

Dated 27.1.89.  
16/2/89

From: Darshan Singh  
The Assistant Registrar  
Supreme Court of India  
New Delhi

To

The Registrar  
Central Administrative Tribunal,  
Commercial Complex (BDA), Indiranagar,  
Bangalore-560038

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 10534-54/88  
WITH

CIVIL MISC. PETITIONS NOS. 22954-74 of 1988  
(Applns. for ex-parte stay)

The Accountant General & Ors ... Petitioners  
vs  
Sh. H.V. Manjunath & Ors ... Respondents

Sir,

I am directed to forward herewith for your information  
and necessary action a certified copy of the Order  
of this Court dated 25.1.1989 made in the applications  
above-mentioned.

Yours faithfully,

*[Signature]*  
ASSISTANT REGISTRAR

*500*  
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*n-43/89/10*  
*21/2*  
*21/2/89*  
*Shrik*

ns/19.12.88/iva

# IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 10534 to <sup>10554</sup> ~~55~~ of 1988.

(Under Article 136 of the Constitution of India, from the Order dated the 11th March, 1988 of the ~~High~~ Central Administrative Tribunal Bench at Bangalore in Applications Nos. 415 to 435 of 1988(F))

~~WEDH~~ 22974 <sup>to</sup>  
CIVIL MISCELLANEOUS PETITIONS NOS. 22954 to ~~74~~ of 1988  
(Applications for stay by notice of motion with a prayer for an ex-parte Order)

1. The Accountant General,  
(Accountant and Entitlements)  
Karnataka, Bangalore.
2. The Comptroller and Auditor  
General of India, No. 10,  
Bahadur Shah Zafar Marg, New Delhi.
3. The Government of India,  
by its Secretary, M/o Finance,  
Department of Expenditure,  
New Delhi.

....Petitioners

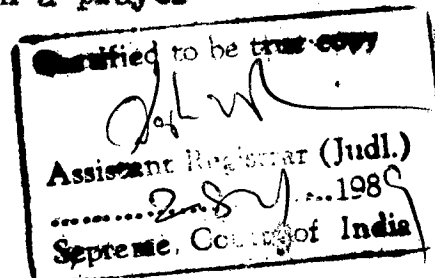
## Versus

1. Shri H.V. Manjunath
2. Shri H.R. Srinivasa Murthy
3. Shri Y.Rama Murthy
4. Shri C.S. Sripada Rao
5. Shri K.S. Ramachandra
6. Shri S.Viswanath
7. Shri M.Suryanarayana Rao
8. Smt. Vasantha Raju
9. Smt. Indira Vadiraj
10. Shri C.R. Muralidhar
11. Kum. C. Saroja
12. Shri V.Raghupathy
13. Shri K.Gopalan
14. Shri M. Chandrappa
15. Shri Hasan Ahmed
16. Shri H.G. Azeez Pasha
17. Shri K.P. Unnikrishna Pillai
18. Shri T.S. Ramachandra
19. Shri S. Bhojaraj
20. Shri K. Mukundan
21. Shri S. Sundarajan

....Respondents

(All the respondents are working in the office of the Accountant General (A&E) Karnataka, Bangalore)

Contd.....2/-



Dated the 25th January, 1989

CORAM:

HON'BLE MR.JUSTICE M.M.DUTT  
HON'BLE MR.JUSTICE T.K.THOMMEN

For the Petitioners Mr. V.C.Mahajan, Sr. Advocate.  
(M/s Akun Madan, T.C. Sharma and G.V.S. Rao, Advocates  
with him)

THE PETITIONS FOR SPECIAL LEAVE TO APPEAL AND THE APPLICATIONS FOR STAY above-mentioned being called on for hearing before this Court on the 25th day of January, 1989 UPON hearing Counsel for the Petitioners herein THIS COURT while directing issue of Notice to the Respondents herein to show cause why Special Leave be not granted to the Petitioners herein to appeal to this Court against the order of the <sup>the Tribunal for</sup> Court above-mentioned, DOTH ORDER that pending the hearing and final disposal by this Court of the application, <sup>to</sup> mentioned above for stay after notice, the operation of the order dated the 11th March, 1988 of the Central Administrative Tribunal Bench at Bangalore in Applications Nos.415 to 435 of 1988(F) be and is hereby stayed;

AND THIS COURT DOTH FURTHER ORDER THAT THIS ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Raghunandan Swarup Pathak,  
Chief Justice of India, at the Supreme Court, New Delhi, this  
the 25th day of January, 1989.

*sdh*  
(V.P.SINGHAL)  
DEPUTY REGISTRAR.  
*sdh*



SUPREME COURT  
CIVIL/CRIMINAL/APPELLATE JURISDICTION

ORIGINAL JUDICIAL DECISIONS (CIVIL) No. 12534 of 84 of 1982

117

CIVIL JUDICIAL DECISIONS (CIVIL) No. 22054 of 22074 of 1982  
(The Decisions for 84-2074 of 1982)

Appellant  
Petitioner

The Accountant General of India ... *Versus* ... rs  
vs

Respondent

h. H.V. Venkatesh & Co. .... Respondents

IN THE SUPREME COURT OF INDIA  
ON 25th JULY 1982

25th July, 1982  
Dated the 25th day of July, 1982

SHRI *Advocate-on-Record for the Appellant*

SHRI *Advocate-on-Record for the Respondent*

SHRI *Advocate-on-Record for the Respondent*

Engrossed by *1/*  
Examined by  
Compared with  
No. of folios

*1/82-25/7/82*  
**SEALED IN MY PRESENCE**

All communications should  
be addressed to the Registrar,  
Supreme Court, by designation,  
NOT by name.  
Telegraphic address :-  
"SUPREMECO"

D. No.s. 3682-92 etc/88/IV-A.

## SUPREME COURT INDIA

Dated New Delhi, the 3rd May, 1993

19

FROM

The Assistant Registrar,  
Supreme Court of India,

TO

✓ The Registrar,  
Central Administrative Tribunal,  
Commercial Complex (BDA)  
Indiranagar, Bangalore-38.

CIVIL APPEAL NOS. 2269- TO 2346 OF 1993  
(Central Administrative Tribunal Applications Nos. 240 to 251  
of 1988, 415 to 435/88, 929 to 939/88, 188 to 215/88, and 1078  
to 1083 of 1987.)

Accountant General Bangalore & Ors. etc.

...Appellants.

-Versus-

Smt. P. Pushpavathy and Others etc.

...Respondents.

Sir,

In pursuance of Order XIII, Rule 6, S.C.R. 1966, I am  
directed by their Lordships of the Supreme Court to transmit  
herewith a Certified copy of the Order dated the 26th April,  
1993 alongwith a certified copy of Judgment dated 4th February,  
1992 in the appeals above-mentioned. The certified copy of the  
decree made in the said appeals will be sent later on.

Please acknowledge receipt.

Yours faithfully

ASSISTANT REGISTRAR

JIT is  
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Has to be  
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Please  
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be filed  
concerned  
715

Certified to be a true copy

Accountant Registrar (Adm.)

3.5.1993

Supreme Court of India

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS 2269 to 2346 1993

440152

(Arising out of Special Leave Petition(C) Nos. 10211-22)

WITH

(SLP(Civil) Nos. 10534-54, 13878-88, 14564-91, 14613-18/88)

The Accountant General, Bangalore and Ors. ... Appellants  
etc.

vs.

Smt. P.Pushpavathy & Ors. etc.

... Respondents

C R D E R

Special leave granted.

It is submitted that the points raised in these appeals are covered by a judgment of this court in Union of India & Ors. vs. The Secretary, Madras Civil Audit & Accounts Association & Anr etc. JT 1992(1) SC 586. These appeals are disposed of in terms of the said judgment.

sd/-

.....J  
(K.JAYACHANDRA REDDY)

New Delhi,  
26th April, 1993

sd/-  
.....J  
(S.I.BHARATHA)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEALS NOS. 1783-84 OF 1990

UNION OF INDIA AND ORS.

.....Appellants

Vs.

440151

THE SECRETARY, MADRAS CIVIL  
AUDIT & ACCOUNTS ASSOCIATION  
AND ANR. ETC.

.....Respondents

(With C.A. Nos. 772-777/89, 1085-90/89, 535-40/89,  
705-725/89, 945-74/89, 1043-63/89, 1024-42/89, 733 38/89,  
739-747/89, 726-37/89, 997-999/89, 3117/89, 1064-84/89,  
1000-23/89, 975-96/89, 3623-25/88, 3698-3704/88,  
3705-14/88 & 3678/89).

*Certified to be a true copy*

*Amritsar Registrar (Jud.)*

*.....3-5-1993*

*Supreme Court of India*

JUDGMENT

K. JAYACHANDRA REDDY, J.

All these appeals pursuant to the special leave granted are filed by the Union of India, the Comptroller & Auditor General and the Principal Accountant General. The only question that arises for consideration is whether the benefit under Office Memo (O.M.) dated 12th June, 1987 issued by the Government of India, Ministry of Finance, Department of Expenditure should be extended to the members of the Accounts Wing of the Indian Audit and Accounts Department ( " A. & A.D." for short) with effect from 1.1.86 as in the case of Audit Wing or whether it should be from 1.4.87 as indicated in the said Office Memo? Several of the employees belonging to the Accounts Wing filed petitions and the Bangalore Bench of the Central Administrative Tribunal ("CAT" for short) held that they are entitled to the benefit with effect from

1.1.85. Subsequent to the said judgment some of the employees in the Accounts Wing in the Tamilnadu filed petitions before the Madras Bench of the CAT claiming that benefit should be extended with effect from 1.1.85. The Madras Bench was not prepared to agree with the view taken by the Bangalore Bench and the matter was referred to the Chairman of the CAT who constituted a Full Bench presided over by himself. The Full Bench agreed with the view taken by the Bangalore Bench and answered the reference accordingly. Following the decision of the Full Bench, the Madras Bench passed the final orders. All these appeals are filed against several orders passed by the Madras Bench as well as the Bangalore Bench. It is contended on behalf of the Union of India that the Office Memo dated 12.5.87 is based on the recommendations of the Fourth Central Pay Commission which consists of two parts. The first part recommends corresponding scales of pay for the existing posts in the Accounts Wing giving effect from 1.1.85. The other part is contained in para 11.38. Pursuant to those recommendations the Government decided to implement the same with effect from 1.4.87. It is also contended that the Full Bench failed to appreciate correctly that the second part of the recommendation of the Pay Commission clearly indicated that the number of posts to be placed in these scales were to be identified by the Government and the Government could therefore decide and then give effect at a later date. The learned counsel on behalf of the respondents employees contended that the Pay Commission recommended that there should be parity in the pay scales of the staff in the I.A. & A.D. and other accounts organisations and since all of them discharge the similar duties the benefit should

be extended to all of them uniformly with effect from 1.1.86. To appreciate these contentions it becomes necessary to refer to the history of the case briefly and to the relevant documents including the recommendations of the Pay Commission.

I.A. & A.D. headed by the Comptroller & Auditor General of India (C. & A.G.) recommended some time in 1983 to Government of India to bifurcate I.A. & A.D. into two separate and distinct wings, one to exclusively deal with 'audit' and the other to deal with 'accounts' with their own separate personnel. The Government of India after considering all aspects approved the proposal in December, 1983. Thereafter C. & A.G. formulated a scheme on 19.12.83 for bifurcation of the I.A. & A.D. into two separate and distinct wings from 1.3.84 providing for all incidental and auxiliary matters thereto. Before the restructuring of the cadres, the staff working in the I.A. & A.D. were asked to exercise their option to serve in either of the two wings. Some exercised the option. There was a grievance that the various equivalent cadres in Audit and Accounts wing were not paid the same scales of pay and the persons allotted to the Audit wing were drawing more pay than the persons in the Accounts wing. The Fourth Pay Commission which was looking into various aspects of the matter recommended in its report that there should be parity of scales of pay between the two wings. The Government took the necessary decision on the basis of the recommendations and the same were published in the Gazette on 13.9.85. The Government accepted the recommendations relating to the scales of pay and decided to give effect from 1.1.86 in respect of the

recommendations of scales of pay for Group 'D' employees. Thereafter Ministry of Finance, Department of Expenditure accordingly issued Office Memo dated 12.5.87 regarding the posts to be placed in higher scales of pay and it was mentioned that these orders would take effect from 1.4.87. The grievance of these employees is that these recommendations should take effect from 1.1.86. The Fourth Pay Commission in para 11.39 of its Report made the following recommendations:

"We have considered the matter. There has all along been parity between the staff in the IA & AD and accounts staff of other departments, which has been disturbed by restructuring the IA & AD into two separate cadres, viz. audit cadre and accounts and establishment cadre and giving higher pay scales to a major portion of the staff on the audit side. The audit and accounts functions are complementary to each other and are generally performed in many Govt. offices in an integrated manner which is necessary for their effective functioning. The staff in these offices perform functions of internal check and audit suited to the requirements of each organisation which are equally important. There is direct recruitment in the scale of 330-550 in all the audit and accounts cadres through Staff Selection Comm./Rly. Recruitment Board from amongst university graduates. We are therefore of the view that there should be broad parity in the pay scales of the staff in IA & AD and other accounts organisations. Accordingly we recommend that the posts in the pay scale of Rs.125-700 in the organised accounts cadres may be given the scale of 1400-2500. In the Railways this will apply to the post of sub-head in both the ordinary and selection grades. We also recommend that this should be treated in future as a functional grade requiring promotion as per normal procedure. The proposed scale of 2000-3200 of section officer may also be treated as a functional grade. With the proposed scales, there will be no selection for any of the posts. As regards the number of posts in the functional scales of Rs.1400-2500 and Rs.2000-3200, we note that about 53 per cent of the total posts of junior/senior auditor and 65 per cent of the total posts of ordinary and selection grade of section


officer in IA & AD are in the respective higher scales. Govt. may decide the number of posts to be placed in the scales of (i) 1400-2500 and (ii) Rs.2000-3200 in the other organised accounts cadres taking this factor into consideration. All other accounts post may be given the scales recommended in Chap.8."

From this it emerges that the Pay Commission made two recommendations i.e.:

"(i) there should be broad parity in the pay scales of staff in the IA & AD and other Accounts organisations;

(ii) the scales of pay of Rs.1400-2000 and Rs.2000-3200 should be treated as functional (grades) requiring promotion as per normal procedure. The number of posts to be placed in these scales to be decided by the Government."

So far as the first part of the recommendations is concerned, it has been implemented and there is no dispute about the same. The second part of the recommendations relates to the treatment of the scales of pay of Rs.1400-2000 and Rs.2000-3200 as functional grades requiring promotion as per normal procedure and also the number of posts to be placed in these scales of pay. The Pay Commission also observed that in respect of other recommendations the Government will have to take specific decisions to give effect from a suitable date keeping in view all the relevant aspects. Accordingly the Government had to examine and decide the number of posts to be placed in these scales of pay and a final decision was taken in the year 1987 and promotions were to be made as per normal procedure. Therefore the Government issued Office Memo that the appointments to the extent of number of posts should be made with effect from 1.4.87. The Full Bench having noted that the offices belonging to both wings do the same type of work, concluded that the principle of equal pay and equal work is fully





applicable in the case of the personnel belonging to the Accounts wing. The Full Bench interpreted the recommendations of the Pay Commission as to mean that both the wings would not only get the revised scales of pay but they would also get from the same date. It ultimately held that there is no apparent reason to give different dates of implementation to the members of the Accounts wing and that the Office Memo dated 12.5.87 is violative of Article 14 of the Constitution of India and it accordingly confirmed the view taken by the Bangalore Bench.

It may not be necessary to refer to various decisions of this Court on the scope of Article 14 particularly on the question of discrimination. Suffice if we refer to few of them which are cited quite often. It is well-settled that equality before the law means that among equals the law should be equal and should be equally administered and that like should be treated alike. However, the principle does not take away from the State the power of classifying persons for legitimate purposes. In Anneerunisa Begum and Ors. v. Mahboob Begum and Ors. (1953) S.C.R. 404 it was held thus:

"A Legislature which has to deal with diverse problems arising out of an infinite variety of human relations must, of necessity have the power of making special laws to attain particular objects; and for that purpose it must have large powers of selection or classification of persons and things upon which such laws are to operate."

In State of West Bengal v. Anwar Ali Sarkar (1952) S.C.R. 284, it was held thus:

cannot be said that on that date the posts identified subsequently were also in existence. In such a situation the principle of equal pay for equal work is not attracted as on 1.1.56.

In All India Station Masters' and Assistant Station Masters' Association & Others v. General Manager, Central Railways and Others (1950)2 S.C.R.311 this Court held as under:

"It is clear that, as between the members of the same class, the question whether conditions of service are the same or not may well arise. If they are not, the question of denial of equal opportunity will require serious consideration in such cases. Does the concept of equal opportunity in matters of employment apply, however, to variations in provisions as between members of different classes of employees under the State? In our opinion, the answer must be in the negative. The concept of equality can have no existence except with reference to matters which are common as between individuals, between whom equality is predicated. Equality of opportunity in matters of employment can be predicated only as between persons, who are either seeking the same employment, or have obtained the same employment."

Proceeding further the Court held thus:

"There is, in our opinion no escape from the conclusion that equality of opportunity in matters of promotion, must mean equality as between members of the same class of employees, and not equality between members of separate, independent classes."

The same principle was later confirmed in the case of Kishori Mohanlal Pakshi v. Union of India, A.I.R. 1952 S.C.1139.

The above ratio has been followed in Unikat Sankunni Menon v. The State of Rajasthan (1957)3 S.C.R. 430 wherein this

✓

Court observed as under:

"It is entirely wrong to think that every one, appointed to the same post, is entitled to claim that he must be paid identical emoluments as any other person appointed to the same post, disregarding the method of recruitment, or the source from which the Officer is drawn for appointment to that post. No such equality is required either by Art.14 or Art.15 of the Constitution."

In State of Punjab v. Joginder Singh (1963) Suppl. 2 S.C.R.169, this question has been considered and it is held that the question of denial of equal opportunity could arise only as between members of the same class and that it was open to the Government to constitute two distinct services of employees doing the same work but subject to different conditions of service. The Court also concluded that the assumption that equal work must receive equal pay was not correct and that it was also not correct to say that if there was equality in pay and work there must be equality in conditions of service.

Having given our earnest consideration we are unable to agree with the view taken by the Full Bench of CAT that the principle of equal pay for equal work is attracted irrespective of the fact that the posts were identified and upgraded in the year 1987. There is no dispute that after such upgradation, officers in both the wings who are doing the equal work are being paid equal pay. But that cannot be said to be the situation as well on 1.1.86 also. The learned counsel, however, submitted that the recommendations of the Pay Commission should be accepted as a whole in respect of all the categories of employees. In this context he relied on two decisions of this Court. In Purshottam

Lal and Others v. Union of India and another (1973) 1 S.C.C. 651  
a question came up whether the report of the Second Pay Commission did not deal with the case of those petitioners. It was held thus:

"Either the Government has made reference in respect of all Government employees or it has not. But if it has made a reference in respect of all Government employees and it accepts the recommendations it is bound to implement the recommendations in respect of all Government employees. If it does not implement the report regarding some employees only it commits a breach of Articles 14 and 16 of the Constitution. That is what the Government has done as far as these petitions are concerned."

In P. Parameswaran and Others v. Secretary to the Government of India (1987) Suppl. S.C.C. 18 in a short judgment this Court observed that because of the administrative difficulties the Government cannot deny the benefit of the revised grade and scale with effect from January 1, 1973 as in the case of other persons.

There is no dispute that in the instant case the terms of reference of Pay Commission applied to all the categories of Government servants. But the question is as to from which date the other category referred to above namely Assistant Accounts Officer etc. should get the higher scales of pay. Identification of these posts and the upgradation cannot be treated as mere administrative difficulties. The implementation of the recommendations of the Pay Commission according to the terms thereof itself involved this exercise of creation of posts after identification which naturally took some time. Therefore the above decisions relied upon by the learned counsel are of no help to

✓

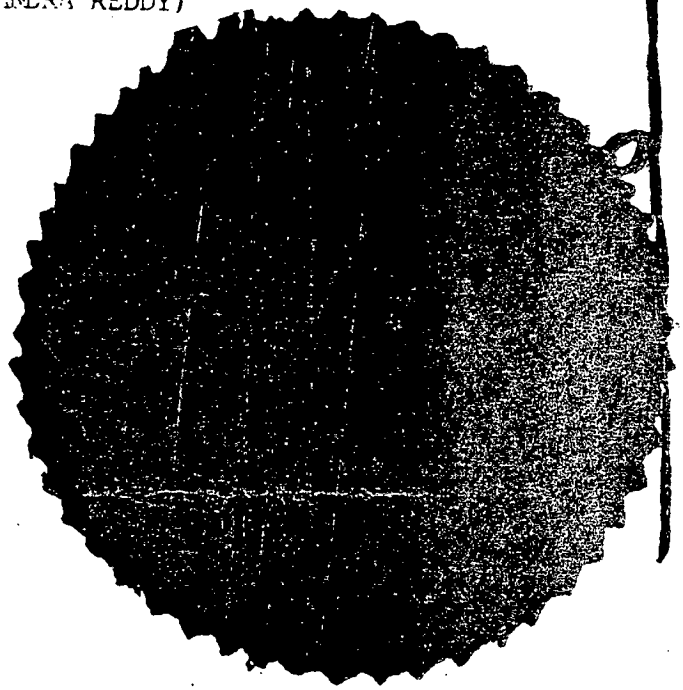
the respondents.

For all the above reasons we set aside the orders questioned in all these Civil Appeals and accordingly allow them. In the circumstances of the cases, there will be no order as to costs.

Sd/-  
.....J.  
(LALIT MOHAN SHARMA)

NEW DELHI  
FEBRUARY 4, 1992

Sd/-  
.....J.  
(K. JAYACHANDRA REDDY)



STAMPED IN THE PRESENCE OF

203/5/93

95  
All communications should  
be addressed to the Registrar,  
Supreme Court, by designation.  
NOT by name.  
Telegraphic address :-  
"SUPREMECO"

Recd. as Regd. Letter No. 1415.  
R 30/8/93

D. No. 3682-92/etc./88/Sec IV A

## SUPREME COURT INDIA

Dated New Delhi, the 25 August, 19 93.

FROM The Registrar (Judicial),  
Supreme Court of India,  
New Delhi.

TO The Registrar,  
Central Administrative Tribunal,  
Commercial Complex (BDA)  
Indiranagar, Bangalore - 38.

CIVIL APPEAL NOS. 2269 TO 2280, 2281 TO 2301, 2302 TO  
2312, 2313 TO 2340 AND 2341 TO 2346 OF 1993.  
(Tribunal's Application Nos. 240 to 251, 415 to 435, 929 to  
939, 188 to 215 of 1988 (F) and 1078 to 1083 of 1987 (F)).

The Accountant General, Bangalore & 2 Ors. ...Appellants.

Versus

Smt. P. Pushpavathy & 11 Ors. etc.etc. ...Respondents.

Sir,

In continuation of this Registry's letter of even  
number dated the <sup>30th May</sup> August, 1993, I am directed to  
transmit herewith for necessary action a certified copy  
of the Common Decree dated the 26th April, 1993 of the  
Supreme Court in the said appeals.

Please acknowledge receipt.

Yours faithfully,

CAT, B'lore

  
for REGISTRAR(JUDICIAL)

This is a decree entered in SLP list (if not entered already), SLP Register & Main Register.  
Add to the relevant file & <sup>with</sup> copies to all connected files & note. Thereafter, a photocopy of  
this and a copy of O.A. order be filed to Hon. V.C. & Hon. Members for perusal.

So (JD) / S.I.B.

 30/8/93

459597

XXXXXXX  
Writ Petition No.XXX  
ofXXX  
199CIVIL APPEAL NOS.2269 TO 2280, 2281 TO 2301, 2302 TO 2312,  
2313 TO 2340 AND 2341 TO 2346 OF 1993.

(Appeals by special leave granted by this Court by its Order dated the 26th April, 1993 in Petitions for Special Leave to Appeal (Civil) Nos.10211 to 10222, 10534 to 10554, 13878 to 13888, 14564 to 14591 and 14613 to 14618 of 1988 from the Judgments and Orders dated the 29th February, 11th March, 14th July, 29th February and 25th January, 1988 of the Central Administrative Tribunal, Bangalore Bench, Bangalore in Application Nos.240 to 251, 415 to 435, 929 to 939 and 188 to 215 of 1988 (F) and 1078 to 1083 of 1987 (F) respectively).

CIVIL APPEAL NOS.2269 TO 2280 OF 1993.

The Accountant General, Bangalore &amp; 2 Ors.

...Appellants.

Versus

Smt. P. Pushpavathy &amp; 11 Ors.

...Respondents.

(For full cause title please see  
Schedule 'A' attached herewith).

CIVIL APPEAL NOS.2281 TO 2301 OF 1993.

The Accountant General, Bangalore &amp; 2 Ors.

...Appellants.

Versus

Shri H.V. Manjunath &amp; 20 Ors.

...Respondents.

(For full cause title please see  
Schedule 'B' attached herewith).

CIVIL APPEAL NOS.2302 TO 2312 OF 1993.

Union of India &amp; 2 Ors.

...Appellants.

Versus

Shri K. Balasubramanian &amp; 10 Ors.

...Respondents.

(For full cause title please see  
Schedule 'C' attached herewith).

CIVIL APPEAL NOS.2313 TO 2340 OF 1993.

The Accountant General &amp; 2 Ors.

...Appellants.

Versus

Shri H. Gopalakrishna &amp; 27 Ors.

...Respondents.

(For full cause title please see  
Schedule 'D' attached herewith).

...2/-

CIVIL APPEAL NOS. 2341 TO 2346 OF 1993.

The Accountant General, Bangalore & 2 Ors. ...Appellants

Versus

Smt. S.G. Bharathi & 5 Ors. ...Respondents.

(For full cause title please see  
Schedule 'E' attached herewith).

26th April, 1993.

CORAM:


HON'BLE MR. JUSTICE K. JAYACHANDRA REDDY  
HON'BLE MR. JUSTICE S.P. BHARUCHA

For the Appellants  
in all the appeals: Mr. V.C. Mahajan, Senior Advocate,  
(Mr. P. Parmeswaran, Advocate with him).

The Appeals above-mentioned being called on for hearing  
before this Court on the 26th day of April, 1993; UPON perusing  
the record and hearing counsel for the appellants herein and  
UPON counsel for the appellants herein submitting before the  
Court that the points raised in these appeals are covered by  
a Judgment of this Court in Union of India & Ors. Vs. The  
Secretary, Madras Civil Audit & Accounts Association & Anr. etc.  
reported in JT 1992 (1) SC 586, THIS COURT DOETH in disposing  
of the appeals in terms of the aforesaid Judgment ORDER:

THAT the Judgments and Orders dated the 29th February,  
11th March, 14th July, 29th February and 25th January, 1988  
of the Central Administrative Tribunal, Bangalore Bench,  
Bangalore in Application Nos. 240 to 251, 415 to 435, 929 to  
939 and 188 to 215 of 1988 (F) and 1078 to 1083 of 1987 (F)  
respectively be and are hereby set aside and in place thereof  
an Order dismissing said Application Nos. 240 to 251, 415 to 435,  
929 to 939 and 188 to 215 of 1988 (F) and 1078 to 1083 of 1987  
(F) filed by the respective respondents herein before the  
aforesaid Tribunal be and is hereby substituted;

...3/-





AND THIS COURT DOETH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Manepalli Narayanarao Venkatachaliah, Chief Justice of India, at the Supreme Court, New Delhi, dated this the 26th day of April, 1993.

*Scd*  
(R.C. JAIN )  
DEPUTY REGISTRAR

*Me*

*Q*

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 1021-22 OF 1988

C.A. No. 1021-22  
of 1988

A petition under Article 136 of the Constitution of India for special leave to appeal from the judgment and order dated 29.2.1988 passed by the Central Administrative Tribunal, Bangalore Bench in Original Application Nos. 240 to 251 of 1988.

And in the matter of:

1. The Accountant General,  
(Accounts and Entitlements)  
Karnataka, Bangalore.

2. The Comptroller and Auditor  
General of India, No. 10,  
Bahadur Shah Zafar Marg,  
New Delhi.

3. The Government of India,  
by its Secretary,  
Ministry of Finance,  
Department of Expenditure,  
New Delhi.

... Petitioners

Versus

1. Smt. P. Pushpavathy
2. Smt. M. Jayasree
3. Smt. Subba Senthosh Kumar
4. Smt. S. Venkateshwar
5. Km. Lakshmi Venkatarani
6. Kumari S. Jaya
7. Smt. K. Kusuma
8. Smt. K. Swarna Lakshmi
9. Smt. M. Meera Bai
10. Km. S. Anuradha
11. Smt. M.N. Nagarathna
12. Smt. M.N. Sujatha

... Respondents

(All the respondents are working  
in the office of the Accountant General  
(ASE) Karnataka, Bangalore.)

...2/-

2659102/

C A No 2281-2301/93

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 10534-54 OF 1988

In the matter of:-

A petition under Article 136 of the Constitution of India for Special Leave to Appeal from the judgment and order dated 11.3.1988 passed by the Central Administrative Tribunal, Bangalore Bench in Original Application Nos.415 to 435 of 1988.

And in the matter of:-

1. The Accountant General,  
(Accounts and Entitlements)  
Karnataka, Bangalore.
  2. The Comptroller and Auditor  
General of India, No. 10,  
Bahadur Shah Zafar Marg, New Delhi.
  3. The Government of India,  
by its Secretary, M/o Finance,  
Department of Expenditure,  
New Delhi.
- ... Petitioners

VERSUS

1. Sri M.V. Manjunath
2. Sri G.R. Srinivasa Murthy
3. Sri V. Rama Murthy
4. Sri G.S. Sripatha Rao
5. Sri K.S. Ramachandra
6. Sri S. Viswanath
7. Sri M. Suryanarayana Rao
8. Sri. Vasantha Raju
9. Sri. Indira Vadiraj
10. Sri C.R. Muralidhar
11. Kun C. Seroja
12. Sri V. Ragupathy
13. Sri K. Gopal Rao
14. Sri M. Chandrappa
15. Sri Hasan Ahmed
16. Sri G.G. Iqbal Pasha
17. Sri K.P. Unnikrishna Pillai
18. Sri T.S. Ramachandra

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19. Sri S. Bojara
20. Sri K. Mukundan
21. Sri S. Sundarajan

... Respondents  
(All the respondents are working in  
the office of the Accountant General (A&E)  
Karnataka, Bangalore)

To

The Hon'ble the Chief Justice of India  
and his companion Justices of the  
Hon'ble Supreme Court of India.

The humble petition of the  
petitioners abovenamed

MOST RESPECTFULLY SUBMITTED:

1. This is a petition under Article 136 of the  
Constitution of India for special leave to appeal  
from the judgment and order dated 11.3.1988 passed  
by the Central Administrative Tribunal, Bangalore  
Bench in Original Applications Nos. 415 to 425 of  
1988. By the said judgment and order the Hon'ble  
Tribunal relying on its judgment and order dated  
7/8.7.1987 in the case of Nanjunda Swamy, directed  
that the respondents herein be given the pay scales  
prescribed by the OM dated 12.6.1987 w.e.f. 1.1.1986  
instead 1.4.1987 provided for in the said OM.  
The petitioners submit that the said direction is  
contrary to the provisions of the OM dated 17.8.1987  
and deserves to be set aside in the interest  
of justice.

...3/-

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 13878-88

OF 1988

2302-2312/93

In the matters of:

1. Union of India,  
through Secretary to Govt.,  
of India M/o . Finance,  
(Deptt. of Expenditure),  
New Delhi.
2. The Deputy Director of  
Accounts (Postal),  
Karnataka Circle  
Bangalore-1
3. The Director General,  
(Postal Wing)  
Dak Tar Bhawan,  
New Delhi.

...PETITIONERS

VERSUS

1. Shri K. Balasubramanian  
S/o Shri M.A. Krishnan
2. Y.L. Prabhavathamma  
D/o Shri Y. Lakshmanachar
3. Ms. S. Sulochana,  
D/o Shri S. Sampangi
4. Shri K.S. Sundaram,  
S/o K.S. Srinivasan
5. Shri S. Sugumaran,  
S/o Sh. P. Shanmugan

...2/-

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6. Smt. Vijayalakshmi Gopalakrishnan,  
D/o Shri V.R. Thiruvengadam
7. Smt. Nagamani S. Rao,  
W/o Shri S.G. Subba Rao
8. Smt. Mary Philomena C' Couto,  
W/o Shri Adolf D'couto
9. Sh. P. Murthy,  
S/o Shri Poongodai
10. Smt. Padini Murthy,  
W/o Shri P. Murthy.
11. Shri M. Radhakrishnan,  
S/o M. Maenakshi Sundaram M

(All are working as Senior Accountants in the Office, of the Deputy Director of Accounts, Basavan Bhawan, Bangalore-560 0010).

...RESPONDENTS.

IN THE MATTER

An application under Article 136 of the Constitution of India, for grant of Special Leave to Appeal against the impugned judgment and order dated 14th July, 1986 passed by the Central Administrative Tribunal, Bangalore, Bench, Bangalore in application (s) No. 929 to 939 of 1983.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 14864-91 OF 1988

C.A. No. 2313-40/93  
In the matter of:

A petition under Article 136 of the Constitution of India for special leave to appeal from the judgment and order dated 29.2.88 passed by the Central Administrative Tribunal, Bangalore Bench in Original Application Nos. 128 to 215 of 1988 (F) and in the matter of:

1. The Accountant General  
(Accounts and Entitlements)  
Karnataka, Bangalore.
2. The Comptroller and Auditor  
General of India, No. 10,  
Bahadur Shah Zafar Marg, New Delhi
3. The Government of India, by its  
Secretary, M/o Finance,  
Department of Expenditure  
New Delhi.

... Petitioners

VERSUS

1. Sri N. Gopalakrishna
2. Sri K.R. Suri Babu
3. Sri T.V. Krishnan
4. Sri P.S. Narayana Murthy
5. Sri G.N. Shankar Rao
6. Sri P. Bhojanga Rao
7. Sri N. Rukmangada Rao
8. Sri T.N. Nagarajan
9. Sri B. Ramachandra-Gopal
10. Smt. S.N. Rukmini
11. Sri B. Anantachari
12. Sri M.N. Kesavaiah
13. Sri B.N. Ramalinga Swamy
14. Smt. N. Indumathi
15. Sri A. Sathyanarayana
16. Sri K.K. Anandappa
17. Smt. G.G. Mahalakshmi
18. Sri K. Chandrashekar
19. Smt. N. Sukanya
20. Sri S.A. Bhaskara
21. Sri B.R. Chandrashekar
22. Sri K. Narasimha Swamy
23. Smt. B.V. Rana Ratna

...2/-

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24. Sri B. Viswananda  
25. Sri K. Jayaram  
26. Sri M.S. Krishnamurtay  
27. Sri C. Raghavendra  
28. Sri S. - Viswanath ... Respondents

(All the respondents are working in the office of the Accountant General (A&E) Karnataka, Bangalore-560001)

To

The Hon'ble the Chief Justice of India  
and His companion Justices of the  
Supreme Court of India.

The Humble petition of the petitioners  
above named;

MOBE RESPECTFULLY SPOKE:

1. This is a petition under article 136 of the Constitution of India for special leave to appeal from the judgment and order dated 29.2.88 passed by the Central Administrative Tribunal, Bangalore Bench in Original Applications Nos. 188 to 215 of 1988. By the said judgment and order the Hon'ble Tribunal relying on its judgment and order dated 7/8.7.1987 in the case of Nanjunda Swamy, directed that the respondents herein be given the pay scales prescribed by the OM dated 12.6.1987 w.e.f. 1.1.1986 instead 1.4.1987 provided for in the said OM. The petitioners submit that the said direction is contrary to the provisions of the OM dated 17.8.1987 and deserves to be set aside in the interest of justice.

...3/-



IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 114613-18 OF 1988.

CANOs. 2341-46/83

In the matter of :-

1. The Accountant-General,  
Accounts & Entitlements,  
Karnataka, Bangalore.
2. The Comptroller & Auditor,  
General of India, no.10, Bahadur  
Shah Zafar Marg, New Delhi.
3. The Government of India, by  
its Secretary, Ministry of Finance,  
Department of Expenditure, New Delhi.

... Petitioners

V/s

1. Smt.S.G.Bharathi
2. Sri T.Gokulnanda,
3. Smt.Sowmya D.Pant
4. Smt.Anasuya Gokhale
5. Smt.N.S.Leelavathy
6. Sri D.R.Srinivasan.

All working in the office of the  
Accountant General (A&E), Karnataka,  
Bangalore.

.. Respondents.

And in the matter of :- Petition under Article 136 of the  
Constitution of India from Judgment  
and Order dt. 25.1.1988 of the  
Central Admn.Tribunal, Bangalore  
in O.A.Nos. 1078 to 1083/1987.

...  
..Contd.

**SUPREME COURT**  
**ORIGINAL JURISDICTION**

**CIVIL APPELLATE JURISDICTION**

~~With Best Note No.~~

~~xxxxxx~~  
CIVIL APPEAL NOS. 2269 TO 2280, 2281 TO 2301,  
2302 TO 2312, 2313 TO 2340 AND 2341 TO 2346  
OF 1993.

The Accountant General,  
Bangalore & 2 Ors. etc.

~~Parties~~  
Appellants.

Versus

Smt. P. Pushpavathy & 11 Ors.  
etc. etc.

Respondent s.

CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE  
BENCH, BANGALORE.

Application Nos. 240 to 251, 415 to 435, 929  
to 939, 188 to 215 of 1988 (F) and 1078 to  
1085 of 1987 (F)

~~Decree~~ ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~  
DECREE DISPOSING OF THE APPEALS.

dated this the 26th day of April, 1993.

SHRI P. Parmeswaran,

Advocate on Record for the Appellants in  
Civil Appeal Nos. 2269 to 2280, 2281 to 2301,  
2313 to 2340 and 2341 to 2346 of 1993.

SHRI C.V. Subba Rao,

Compared with

No. of folios

Advocate on Record for the Appellants in Civil App  
Nos. 2302 to 2312 of 1993.

GW/13.8.93

FILED IN MY FILE  
2/2  
24/8/93