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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.218/90.

Date of Judgement: 16-9-93.

Between

1. L. Narendra
2. Mohd. Asifuddin
3. D. Satyanarayana
4. I.V. Rama Rao
5. L. Hanumanth Rao
6. Ch. Srinivasulu
7. Mohd. Liyakat Ali
8. G.S.V. Prasad
9. V.N. Rajaji

.. Applicants

and

1. Union of India,
represented by the Secretary,
Ministry of Finance,
Department of Economic Affairs,
New Delhi - 110 001
2. The General Manager
Security Printing Press,
Mint Compound,
Hyderabad - 500 004

.. Respondents

Counsel for the Applicants : Sri C. Suryanarayana

Counsel for the Respondents : Sri N.V.Ramana, Addl.CGSC

CORAM:

Hon'ble Shri A.B. Gorthi : Member (A)

Hon'ble Shri T. Chandrasekhara Reddy : Member (J)

Judgement

{ As per Hon'ble Shri A.B. Gorthi : Member (A) }

1. Invoking the principle of equal pay ~~for~~
for equal work, the applicants herein who are

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working as Junior Machine Assistants (J.M.As for short) at Security Printing Press, Hyderabad claim parity in wages with the J.M.As. of the other Government printing Presses such as the Bank Note Press, Dewas and the Indian Security Press, Nasik.

2. The applicants were directly recruited as J.M.As. in the scale of pay of Rs.225-308 in the Security Printing Press, Hyderabad sometime between 1982-85. At that time there were no recruitment rules, but the applicants were required to possess a Diploma in Printing or a National Apprenticeship Certificate or a Certificate of an I.T.I. in Printing with one year experience in printing industry. In 1988 Recruitment Rules were notified stipulating the educational and other qualifications for the post of J.M.A. as National Apprenticeship Certificate or I.T.I. certificate in Printing with one year experience in printing industry. The revised scale of pay was Rs.825-1200. The scale of pay of J.M.As. at Dewas was initially at Rs.280-400 and after revision it was fixed at Rs.950-1500. The applicants contend that the nature of their duties are similar to that of the J.M.As. at Dewas and Nasik and the educational and other qualifications required are also the same and hence there is no justification for the disparity in their wages compared with the J.M.As. at Dewas.

3. The respondents clarified that the nature of duties of the J.M.As. at Dewas are different qualitatively. In the Bank Note Press at Dewas, the J.M.As. assist in the printing of high quality multi-colour printing of currency notes on sophisticated sheet fed printing machines. On the

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other hand the work of the Applicants is to assist in the normal printing work of average quality of 1-2 colour printing of post-cards, inland letters, non-judicial stamp papers etc. on web fed printing machines. As regards the J.M.As. at the Indian Security Press, Nasik, the respondents showed that the scale of their pay is also at Rs.825-1200 as in the case of the applicants.

4. Learned counsel for the applicants contended that the difference, if any, in the duties of the J.M.As. at the various Printing Presses is rather too insignificant. At Nasik, the J.M.A. is only a promotional post, there being no direct recruitment. He has drawn our attention to the Recruitment Rules also, which are separately notified for each Printing Press. We find that the educational qualifications specified ^{for JMAs at Dewas} are higher, a diploma in Printing or a degree having been made essential. In support of his contention Mr. C. Suryanarayana, learned counsel for the applicants has drawn our attention to the judgement of the Supreme Court in Bhagwan Sahai, Carpenter and others v. Union of India, AIR 1989 (1) SC 673 wherein it has been held as under:

"Considering all the facts and circumstances of the case, we are unable to accept the contention advanced on behalf of the Union of India on the ground that the employees of the different trades in the skilled grade cannot be treated differently, i.e. by allowing higher scale of pay to employees of some of the trades from an earlier date and giving the same benefit to members of other trades in the skilled grade from a later date. This will per se be discriminatory and it will be contrary to the equity clause envisaged in Arts. 14 and 16 of the Constitution as well as the fundamental right of equal pay for equal work. The petitioners are entitled to get the benefit of the skilled grade of Rs.260-400 from October 16, 1981, instead of October 15, 1984, as has been given to the employees of other trades in the skilled grade."

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5. In the above case, the inequity came up because of the grant of a higher scale of pay to the same category of employees from different dates. The said case will, therefore, have no direct bearing on the issues before us in the present case.

6. Reliance has also been placed on the judgement of the Hon'ble Supreme Court in State of Madhya Pradesh v. Pramod Bhartiya 1993 (2) SLJ 91 (SC). The Supreme Court observed that equal pay for equal work is implicit in the doctrine of equality enshrined in Art. 14. However, as regards the implication of term "equal work", the Supreme Court held as under:

"It is not enough to say that the qualifications are same nor is it enough to say that the schools are of the same status. It is also not sufficient to say that the service conditions are similar. What is more important and crucial is whether they discharge similar duties, functions and responsibilities."

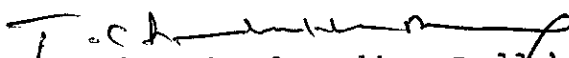
7. From the counter affidavit of the respondents it would be apparent that the nature of duties performed by the applicants is qualitatively different from that of the duties performed by the JMAs at the Bank Note Press, Dewas. Even in the India Security Press, Nasik there are different categories of JMAs performing different duties although all connected with the Printing industry. Even as regards the educational and other qualifications required for appointment as JMA, there is some difference with regard to the JMAs at Bank Note Press, Dewas, and the JMAs of the Security Press at Hyderabad. It has been held by Hon'ble Supreme Court in State of U.P. v. J.P. Chaurasia 1989 (5) SLR 788 that the quantity of work may be the same but the quality may be different and that cannot be determined by relying upon the averments in

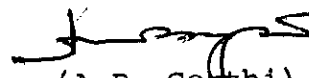
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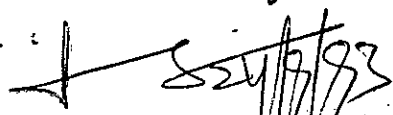
affidavits of interested parties. The court further held that the ~~equation~~ of pay must be left to the executive government which would be the best judge to evaluate the nature of duties and responsibilities of posts.

8. We are not satisfied that the nature of duties performed by the applicants is the same as that of the JMAs at Bank Note Press, Dewas. We are, therefore not inclined to accede to the request of the applicants for granting them parity of pay with the JMAs in other printing presses. The application is therefore dismissed without any order as to costs.


(T. Chandrasekhar Reddy)
Member (J)


(A.B. Gonthi)
Member (A)

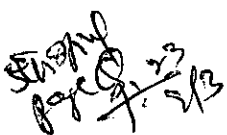
dated: September 16th, 1993


Deputy Registrar (J)

To kmv

1. The Secretary, Union of India,
Ministry of Finance, Dept. of Economic Affairs,
New Delhi-1.
2. The General Manager, Security Printing Press,
Mint Compound, Hyderabad-4.
3. One copy to Mr. C. Suryanarayana, Advocate, CAT. Hyd.
4. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 16-9-1993

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

in

O.A.No. 218/90.

T.A.No. (W.P.)

Admitted and Interim directions
issued

~~Allowed.~~

~~Disposed of with directions~~

~~Dismissed.~~

~~Dismissed as withdrawn~~

~~Dismissed for default.~~

~~Rejected/Ordered.~~

~~No order as to costs.~~

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