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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ; HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1379/96

Date of Order : 2.9.98

BETWEEN :

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|--------------------|-------------------------|
| 1. K.G.S.Parvathi | 10. Ch.Raguel |
| 2. V.Syamalamba | 11. B.V.Ramana Murthy |
| 3. N.V.R.V.Prasad | 12. Ch.N.V.Bhadram |
| 4. K.Kubba Rao | 13. M.Mohan Rao |
| 5. K.Vedavrath | 14. T.Koteswara Rao |
| 6. V.Chandrasekhar | 15. Y.Jagan Mohan Reddy |
| 7. Lakshminarayana | 16. B.Yadagiri |
| 8. S.Nagarajah | 17. B.Satyanarayana |
| 9. Neer Mohiuddin | 18. H.Radha Krishna |

.. Applicants.

AND

1. Union of India, rep. by its Secretary, Ministry of Finance, Govt. of India, New Delhi.
2. Union of India, rep. by its Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
3. The Registrar General, Census, 2A, Mansingh Road, New Delhi.
4. The Director of Census Operations, Tilak Road, Hyderabad.

.. Respondents.

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Counsel for the Applicants

.. Mr.J.Sudheer

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

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CORAM :

HON'BLE SHRI R.RANGARAJAN ; MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR ; MEMBER (JUDL.)

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr.J.Sudheer, learned counsel

for the applicants. Mr.V.Rajeswara Rao, learned

standing counsel for the respondents.

2. There are 18 applicants in this OA. They joined the department as Operators in the year 1982-83 and were placed in the scale of pay of Rs.330-560. After the revision of pay scales in 1986 the pay scale of Rs.330-560 was revised to Rs.1200-2040 and all the applicants were placed in the ^{Revised} scale of pay after 1.1.86. Applicants 1 and 8 and 17 and 18 were promoted as Junior Supervisors in the years 1987 to 1990. Applicants 17 and 18 were further promoted as Senior Supervisors on 20.8.92. Applicants 9 to 16 were promoted as Junior Supervisors on various dates between 1990 and 1993. In short the applicants 1 to 16 are functioning as Junior Supervisors on date and the applicants 17 and 18 are functioning as Senior Supervisors. The claim of the applicants is that Junior Supervisors who are placed in the scale of pay of Rs.1400-2300 are entitled to the pay of Rs.1600-2660 from the date of their promotion as Junior Supervisors with all consequential benefits. Applicants 17 and 18 also requests the same scale of pay when they worked as Junior Supervisors till the date of their promotion as Senior Supervisors.

3. 12 applicants of the department filed OA.734/93 on the file of this Bench on 4.9.95. That OA was disposed of by the following order :-

- (i) All the applicants have to be given the benefit of the pay scale of Rs.1350-2200 from 1.1.86 till the date of promotion of each of them as Jr. Supervisor and accordingly the arrears have to be paid, and the pay in the payscale of Jr. Supervisors has to be fixed on the basis of last drawn pay of each of the payscales of the applicants in the pay scale of Rs.1350-2200 and arrears on such re-fixation of the pay in the category of Jr. Supervisors also have to be paid.

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(ii) The respondents have to consider the case of the applicants regarding the question of pay in compliance with the order in accordance with O.M. dated 11.9.89 and if they are found eligible because of entry to the service, similarity of the recruitment rules, duties and responsibilities and functions discharged by them is same and has been given the benefits by other Ministries/Organisations of Union of India where the aforesaid O.M. has been applied with certain modifications, may be granted the same benefits.

(iii) The respondents have to comply with the process expeditiously and it shall be in the fitness of things if it is done before the recommendations of the 5th Pay Commission are received and the same may forwarded to the 5th Pay Commission, if the necessity arises. The applicants may also be considered for getting the benefit if other organisations/ministries of the Government of India have given that benefit of pay scales.

4. It was held therein that all the applicants had to be given the benefit of pay scale of Rs.1350-2200 from 1.1.86 till the date of promotion each of them as Junior Supervisor and accordingly arrears if any should be disbursed to them. As regards the further claim it is directed in the judgement that the respondents have to consider the case of the applicants regarding equation of pay in compliance with the order in O.M. dated 11.9.89 and if they are found eligible because of the entry into service similarity of recruitment rules, duties and responsibilities and function discharged by them is same and has been given the benefits by other Ministries/Organisation of Union of India where the aforesaid O.M. has been applied with certain modifications, may be granted the same benefits. The applicants filed a representation dated 20.9.95 after the issue of the judgement in OA.734/93 for granting them higher scale for Junior Supervisor. That representation was disposed of by memo No.A.11014/1/95-Estt., dated 21.11.95 (A-4). It has

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been stated there that the employees therein are not on all ^{posts} ~~force~~ with the post covered by Ministry of Finance, Department of Expenditure O.M. dated 11.9.89. Therefore the posts of Junior Supervisors and Senior Supervisors would not be covered by O.M. dated 11.9.89 for nationalisation/revision of pay scales, and hence the Government had decided that the existing pay scales and designation does not require any modification.

5. This OA is filed for setting aside the impugned memo dated 21.11.95 and for a consequential direction to the respondents herein to pay the scale of pay of Rs.1600-2660 on par with the counter part of the railways, defence and other departments instead of the pay scale of Rs.1400-2300 in the cadre of Junior Supervisor to the applicants 1 to 16 herein w.e.f. the date of ^{their} promotion as Junior Supervisors and also grant the same pay scale to applicants 17 and 18 from the date of their promotion as Junior Supervisor till the promotion as Senior Supervisor with all consequential benefits of arrears of salary, increments, etc.

6. The main contention of the applicant in this OA is that they fulfil all the conditions laid down in the Ministry of Finance memo dated 11.9.89 (A-1) and hence they are entitled for the higher scale of Rs.1400-2300 for Junior Supervisor. It is also contended that the Data Entry Operators in other departments of Railways are performing similar duties as the applicants herein and they were given the higher scale and on that analogy the applicants are also entitled for the higher scale.

7. A reply has been filed in this OA. The respondents contend that the applicant did not come under the purview of the Ministry of Finance circular issued on 11.9.89. Their duties may not be comparable with the duties of the other



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department. A study of the cases has to be done by an Expert Committee and on that basis only they can given the higher scale if warrented. Hence they submit that the OA is liable only to be dismissed.

8. It is now stated that the applicant who are Junior Supervisors were given the scale of pay in 5th Pay Commission equivalent to Rs.1600-2660 of the 4th Pay Commission w.e.f. 1.1.96 on the basis of the recommendations of the 5th Pay Commission. Hence the applicants can have no grouse now and their desire to higher pay scale has been fulfilled even though from a later date.

9. We have perused the application. The Ministry of Finance letter dated 11.9.89 indicates the scale of pay for various grades of data entry operators and programming staff. These guidelines give the scale of pay to be fixed on the basis of the various other parameters. The other parameters include the duty performed by them, the type of duty performed by them and other such relevant details. The said memorandum does not give the right to the applicant to demand the scale of pay of Rs.1600-2660 for Junior Supervisor if the other conditions are not fulfilled. The respondents submit that as per the memorandum the applicants are not covered for giving the scale of pay of Rs.1600-2660 in the reply. There is no rejoinder filed to the reply. If such contention has to be considered it is essential that the applicants should have analysed the case fully on the basis of the duty list supplied to them and compare the duty list to the other organisation who are doing similar duties. That in our opinion will prove their case. Though they state that the duties performed by them is similar to the duties performed by the employees in the railway department and other departments who are in the scale of pay of Rs.1600-2660 no details have been enclosed in regard to the duty performed by the employees of the other organisation and comparing the

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duty list with the applicants herein. "Equal pay for equal work" is an abstract principle. Such a principle has to be elaborated and conclusively proved that the similar duties performed by employees of the other departments were getting more pay in the scale of pay of Rs.1600-2660 and the applicants herein are entitled for that pay on the basis of that analysis. But we do not find any such analysis here to come to that conclusion. The applicants keep on impressing a need to give them the scale of pay of Rs.1600-2660 without proper details. In any case an Expert Committee namely 5th Pay Commission had looked into the case and given them the scale of pay of Rs.1600-2660 w.e.f. 1.1.96. Hence the applicants to some extent achieved their demand. In view of the above we feel that no further relief need be given in this OA.

10. In view of the fore-going the respondents are directed to treat the Junior Supervisors in the scale of pay of Rs.1600-2660 w.e.f. 1.1.96 as per the recommendations of the 5th Pay Commission if it is not already implemented. Arrears arising out of that should be given to them expeditiously if the same is not granted to them so far.

11. With the above direction the OA is disposed of.
No costs.


(B.D. JAI PARAMESHWAR)
Member (Judl.)

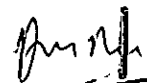
2/9/98


(R. RANGARAJAN)
Member (Adm.)

Dated : 2nd September, 1998

(Dictated in Open Court)

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Copy to:

1. The Secretary, Min. of ~~Revenue~~ Finance,
Govt. of India, New Delhi.
2. Secretary, Min. of Home Affairs,
Govt. of India, New Delhi.
3. The Registrar General, Census, 2A, Mansingh Road, New Delhi.
4. The Director of Census Operations, Tidalak Road,
Hyderabad.
5. One copy to Mr. J. Sudheer, Advocate, CAT, Hyderabad.
6. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

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20/9/98 (8)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI G.S. JAI PARAMESWAR :
M(J)

DATED: 21/9/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

C.A.NO. 1379/96

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~DISMISSED FOR DEFAULT~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

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केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण / DESPATCH 21 SEP 1998 हैदराबाद न्यायपीठ HYDERABAD BENCH
