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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. No. 68/97.

Dt. of Decision : 09-12-98.

1. Prabhatilal Yadav
2. M.S.B.Philip
3. A.V.Ethiraj
4. N.Krishna
5. A.Yadaiah

..Applicants.

Vs

1. The General Manager,
Security Printing Press,
Hyderabad.
2. The Union of India, rep. by
the Secretary, Min. of Finance,
Govt. of India, New Delhi.

..Respondents.

Counsel for the applicants : Mr. P.Naveen Rao

Counsel for the respondents : Mr. V.Rajeswara Rao, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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

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ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANCARAJAN : MEMBER (ADMN.)

Heard Mr. Phaneraj for Mr. P. Naveen Rao, learned counsel for the applicants and Mr. V. Rajeswara Rao, learned counsel for the respondents.

2. There are 5 applicants in this OA. They are designated as Heavy Motor Vehicle Drivers/Mechanic-cum-Drivers in the Security Printing Press at Hyderabad. They are also called Heavy Motor Vehicle Drivers. Their scales of pay was Rs. 260-350/- earlier to the introduction of the 4th Pay Commission scales of pay. It was fixed in the grade of Rs. 950-1400/- after the introduction of the 4th Pay Commission scales of pay. They filed OA. 1071/93 on the file of this Bench for fixing their pay in the pay scale of Rs. 1150-1500/- w.e.f., 1-1-86. That OA was disposed of by order dated 2-9-93 directing the applicants therein to file representation and for a further direction to the respondents to dispose of the same. Subsequently an MA. No. 80/95 was filed for implementation of the judgement. That MA was disposed of on 27-7-95 to communicate the decision to the applicants within a period of 16 days from the date of communication of that order. In obedience to the direction in the OA and the MA the respondents had given the reply by memo No. SPP/AI/PF/Drivers/C.A.1071 of 1993/2663 dated 26-8-95 (Annexure-VIII) stating that "at present there was no need to make any revision in the pay scales of drivers as prayed for in the OA. 1071 of 1993 as the existing pay scales are as per the IV Pay Commission Report. However as suggested by the Ministry of Finance this department has sent a proposal for study of working conditions of the departmental drivers by the 5th Pay Commission and for its recommendations in revising their pay scales.

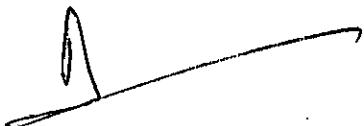
A final and uniform decision can be taken by the Government of India only on receipt of the 5th Pay Commission Report".

3. This OA is filed to set aside the impugned order No. SPP/AI/PF/DriversyO.A.1071 of 1993/2663 dated 26-8-95 (Annexure-VIII) whereby the pay fixation of the applicants in the scales of pay of Rs.1150-1500/- was denied by holding the same as arbitrary, discriminatory and unconstitutional and for a consequential direction to the respondents to fix the pay of the applicants in the scale of pay of Rs.1150-1500/- w.e.f., 1-1-86 with all consequential benefits..

4. The main contention of the applicants in this OA is that the applicants are doing the same work as was done by the Staff Car Drivers and other Heavy Motor ~~Vehicle~~ Vehicle Drivers in the other Department. They were given the scale of pay of Rs.1150-1500/-. Hence denial of that scale for the applicants herein is irregular and has to be given that scale of pay which was given in the other department. The applicants in this OA relies on the Government of India Office memorandum No.22036/1/92-Estt(D) dated 30-11-93 and also the Order No.162 dated 13-9-96.

5. A reply has been filed in this OA. The respondents in their reply submit that earlier to the introduction of the 4th pay commission scales of pay there were two scales of pay for Drivers. They are /) Rs.225-350/- / Rs.260-350/- and ~~Rs.~~ Rs.320-400/-. In the light of the 4 th pay commission scales of pay, the scales of pay of Rs.225-350/- / Rs.260-350/- were revised and fixed in the scale of pay of Rs.950-1500/- whereas the scales of pay of Rs.320-400/- was fixed as Rs.1150-1500/-. They have also given the various scales of pay available in the security printing press right from the category of

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Foreman to Motor Vehicle Cleaner-cum-Material Handler. Auto Mechanic-cum-Drivers were given the scale of pay of Rs.1150-1500/- who were in the prrevised scale of pay of Rs.320-400/- and Motor Vehicle Driver in the prrevised scale of pay of Rs.260-350/- was fixed as Rs.950-1500/-. The case history of the applicants were also indicated in the reply.

6. The first applicant was initially appointed as Heavy Motor Vehicle Driver in the scale of pay of Rs.260-350/- w.e.f., 23-2-83. Later on he was promoted as Auto Mechanic-cum-Driver on 29-8-85 in the scale of Rs.320-400/-. As per the 4th pay ~~xxxxxx~~ commission scales of pay his pay was fixed in the revised pay of Rs.1150-1500/- w.e.f., 1-1-86. Thus the case of the applicant was conceded by the respondents themselves as he was in the pay scale of Rs.320-400/- earlier to the introduction of the 4th pay commission scales of pay. Hence the case of the first applicant need not be considered in this OA as he had already got higher scale of pay.

7. The second applicant was appointed as Peon in the prrevised scale of Rs.196-232/- w.e.f., 24-6-82. Later he was appointed as Heavy Motor Vehicle Driver w.e.f., 12-6-84 in the prrevised scale of Rs.260-350/- which was revised to Rs.950-1500/- w.e.f., 1-1-86. He was also promoted as Heavy Motor Vehicle Driver-cum-Mechanic in the scale of pay of Rs.1150-1500/- w.e.f., 5-11-90. The respondent authorities submit that his pay was correctly fixed as Rs.950-1500/- w.e.f., 1-1-86 as he was in the scale of pay of Rs.260-350/- earlier and hence he has no grievance.

8. The third applicant was appointed as Mazdoor in the prrevised scale of pay of Rs.196-232/- w.e.f., 15-9-82. Later he was given the scale of Rs.750-940/- as a Group-D w.e.f., 1-1-86 w.e.f., He was promoted as a Heavy Motor Vehicle Driver/5-3-86 in the

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scale of pay of Rs.950-1500/- which was previously Rs.260-350/-. He was onceagain promoted as Heavy Motor Vehicle Driver-Cum-Mechanic in the pay scale of Rs.1150-1500/- w.e.f., 5-11-90. Thus the respondents submit that his claim in the scale of pay of Rs.1150-1500/- w.e.f., 1-1-86 is ^{WR}in order as he was promoted as Heavy Motor Vehicle Driver in the scale of pay of Rs.950-1500/- only w.e.f., 5-3-86 and not from 1-1-86. They further add that he is not eligible to get the benefit as sought for in this OA.

9. The 4th applicant was pppointed as Sweeper/Scavenger in the pre-revised scale of Rs.196-232/- w.e.f., 22-10-82. Later he was appointed as Heavy Motor Vehicle Driver w.e.f., 12-6-84 in the pre-revised scale of pay of Rs.260-350/-. His pay was fixed in the scale of Rs.950-1500/- w.e.f., 1-1-86 in accordance with the accepted recommendation of the 4th pay commission report. Hence, he has no grievance. He will be promoted to the grade of Rs.1150-1500/- in his turn.

10. The last and 5th applicant was initially appointed as Mazdoor w.e.f., 6-9-82 in the pre-revised scale of Rs.196-232/-. Later he was promoted as Heavy Motor Vehicle Driver in the pre-revised scale of Rs.260-350/- w.e.f., 5-3-86. He was brought in the scale of pay of Rs.750-940/- in the Group-D scale w.e.f., 1-1-86 and he was given the scale of pay of Rs.950-1500/- w.e.f., 5-3-86 ^{as per} when he was promoted based on his scale of pay of 4th pay commission. The respondents submit that this applicant also has no grievance in regard to his fixation of pay scale.

11. The only point which has to be considered in this OA is whether any injustice has been done to the applicant, vis-a-vis the similar placed Heavy Motor Vehicle Driver in other departments. The applicants submit that they are doing similar work as is being done by the Heavy Motor Vehicle Drivers in the other Department and hence they are entitled for the fixation of scales of pay of Rs.1150-1500/- right from the date they were posted as

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Heavy Motor Vehicle Driver i.e., w.e.f., 1-1-86 or from the subsequent date when they were posted.

12. Equal pay for equal work has to be decided on the basis of actual work performed by the applicants herein compared to the work done by similarly placed persons in other organisation. For that the applicants should produce the work chart of other department where the scales of pay of Rs.1150-1500/- is given and compare the same with that of the work chart of the applicants herein. But unfortunately no such exercise has been made. It is only verbal assertion on the part of the applicants that they are doing similar work as was done by the Heavy Motor Vehicle Drivers in the other department. That cannot be a reason to grant them the higher scale equivalent to the Heavy Motor Vehicle Drivers in the other department. The applicants had taken no pains to compare their ~~works~~ ^{duties} with others. The applicants have given the ~~dates~~ of their entry as Heavy Motor Vehicle Drivers at Annexure-I and submit that they are Heavy Motor Vehicle Drivers. We are at a loss to understand how this chart will prove that work done by them is the same as the work done by the similarly placed Heavy Motor Vehicle Drivers in other department. This itself shows that the applicants are very casual in projecting their cases without proper details. Hence, the contention as raised above has to be treated as a contention of no value and cannot be accepted.

22036/1/92-Estt(D)

13. The applicants rely on the office Memo No. /dt. 30-11-93 to substantiate their case. We have gone through the circular. This office memorandum gives the promotional ^{scheme for} Staff Car Drivers. The promotional scheme indicates that the Staff Car Driver in the scale of pay of Rs.950-1500/- can be promoted to the higher grades of

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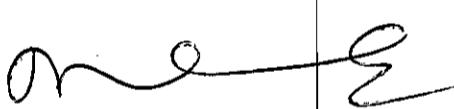
Rs.1200-1800/- and 1320-2040/-. The Heavy Motor Vehicle Driver and the above three scales of pay should be in the ratio of 55% and 25% and 20%. That circular in our opinion gives no reason to grant the prayer as asked for in this OA. The applicants also rely on the office order No. 162 dated 13-9-96 stating that this circular also emphasizes the need to grant them the prayer. On perusal of the above order clearly indicates that the revised strength in percentage has been varied and gives no clue to come to the conclusion that the applicants are entitled the ~~new~~ higher scale of Rs.1150-1500/- right from 1-1-86. Hence, this circular also does not support the case of the applicants.

14. The respondents have clearly stated that the applicants will be promoted to the higher scale on their turn in accordance with the rules.

15. In view of the above, there are no merits to allow this OA. Hence, the OA is dismissed. No costs.


(B.S.JAI PARAMESHWAR)
MEMBER(JUDL.)

9/12/78


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 09th December, 1998.
(Dictated in the Open Court)

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23/12/98

II COURT

Copy to : —

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

1) D.R. (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

2) spare

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

—

AND

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

DATED: 9/12/98

ORDER/JUDGMENT

MA/VR.A/6.G.P.No.

in
OA.NO. 68/97

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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