

(b)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH

O.A. No. 529 of 1993.

Date of decision 3.10.94

Bheek Singh

.....Applicant.

Vs.

Union of India & another

.....Respondents.

COURT: Hon'ble Mr. Justice D.L. Mehta, Vice Chairman.
Hon'ble Mr. C.P. Sharma, Administrative Member.

For the applicant - Mr. P.N. Mathur, advocate.

For the respondents - Mr. U.D. Sharma, advocate.

O P D E R (OPAL)

(Hon'ble Mr. Justice D.L. Mehta, Vice Chairman.)

...

Heard the learned counsel for the parties.

2. Applicant was a Peon and he was asked to perform the duties of a Driver from 15.1.1987. Applicant was asked to resign and to join as regular Driver in the year 1990. He declined to resign on the ground that he will suffer loss of pension for 18 years and he was not willing to accept the post of Driver on such conditional basis. The matter was considered and he was appointed as regular Driver w.e.f. 23.7.1990. Now the question involved is about the salary and the payment for the period from 15.1.1987 to 27.10.1987 and from 19.2.1988 to 22.7.1990.

3. The case of the applicant for the payment of salary of the post on which he had worked, was recommended by the Superintending Engineer (S.E) to the Chief Engineer (C.E) on the ground that there was a vacancy and suitable person was not available and so the work was taken from the applicant. It seems that copy of letter dated 18.5.92 was supplied to and the applicant/he was also informed that the matter

is under consideration and his case has been recommended. Applicant again submitted a representation for early payment and the Chief Engineer also recommended the matter to the Director General(Works), CPWD, New Delhi. However, the Director General, declined to make the payment. The period of limitation is extended because of the recommendations made by the S.E. and the C.E. to the Director General and the applicant was not willing to work. However, he was compelled to perform the duties of a Driver.

4. The applicant is entitled to get the salary of the post on which he had worked. It is doctrine of 'Equal Pay for Equal Work' which shall apply in the instant case. The limitation stands extended because of the recommendations of the S.E. and C.E. to the Director General and the information given to the applicant.

5. In the light of the above facts, the O.A. is accepted. Annexure A/1 is set aside. The Director General (Works) is directed to make the payment of the salary of the post of Driver to the applicant prior to 1990 during which period he worked as Driver subject to adjustments, if any allowance is paid. No order as to costs.

O.A. stands disposed of accordingly.

(G.P. SHARMA)
ADMINISTRATIVE MEMBER


(D.L. MEHTA)
VICE CHAIRMAN