

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH:JAIPUR

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Date of Order : 9.7.2002

O.A.NO. 184/1997

1. Maheshchandra R. Vyas S/o Shri Ratilal Vyas, aged around 37 years, R/o Salt Test Laboratory, Post Nawacity, Distt. Nagaur.
2. Brahm Singh Nagar S/o Shri Suraj Mal Nagar, aged around 35 years, R/o Salt Colony, Sambhar Salt Ltd., Sambharlake, Dist. Jaipur.
3. Ganesh Narain Meena S/o Shri Badri Narain Meena, aged around 28 years, R/o Phalodi Distt. Jodhpur.
4. Sudhir Kumar S/o Late Shri Kamala Kant Das, aged around 26 years, R/o Village Rajas, Post Nawacity, Distt. Nagaur.
5. B.L. Meena S/o Shri Kanchan Ram Meena, aged around 28 years, R/o Pokaran, Distt. Jaisalmer.
6. Om Prakash Meena S/o Shri Ladu Ram Meena aged around 31 years, R/o Near Salt Test Laboratory, Post Nawacity, Distt. Nagaur.
7. G.C. Jain S/o Late Shri M.L. Jain, aged around 48 years, R/o Phalodi, Distt. Jodhpur.
8. R.M. Bunkar S/o Late Shri Sedu Ram, aged around 40 years, R/o Post Phalodi, Distt. Jodhpur.
9. Vijay Kumar S/o Shri Manik Chand, aged around 24 years, R/o Salt Test Laboratory, Post Phalodi, Distt. Jodhpur.
10. Ramesh Chand Berwa S/o Shri Ganesh P. aged around 41 years, R/o B-196, Mahesh Nagar, Tonk Phatak, Jaipur.
11. Roshan Kumar Sogra S/o Shri Har Sahai Sogra, aged around 35 years, R/o Sujangarh, Distt. Churu.



12. Bhimrao Meshram S/o Shri Raibhan Meshram aged around 46 years, R/o II/64 A.G.Colony, Bajaj Nagar, Jaipur.
13. Ravindra Kumar Khatri S/o Shri Udai Bhan, aged around 44 years, R/o II/65, A.G. Colony, Bajaj Nagar, Jaipur.
14. Mukesh Kumar Sharma S/o Shri Gopal Narain Sharma, aged around 30 years, R/o 1853, Gali Purender Ji Ki, Talipara, Jaipur.
15. Madan Lal Meena S/o Shri Harshai Meena aged around 28 years, Office of Salt Commissioner, Jhalana Dungari, Jaipur.
16. Ram Singh S/o Shri Hari Singh aged around 31 years, R/o 512, Malviya Nagar, Jaipur.
17. V.K. Bhatta S/o Late Shri Kishan Lal Ji, aged around 60 years, R/o Salt Colony, Tonk Road, Opposite Kendriya Vidhyalaya No.1, Jodhpur.
18. Dev Raj Khajino S/o Late Shri Gursaran Dass aged around 67 years, R/o 28 Vishnub Puri, Jaipur.
19. Sanjay Kumar Thakore S/o Shri Balmukand Thakere, aged around 28 years, Salt Colony, Sambar Lake, District Jaipur.
20. M.S. Mertia S/o Late Shri Bal Singh Mertia aged around 55 years, R/o Kuchaman City, District Nagaur.

All the applicants are Inspectors in the office of Salt Commissioner, Department of Salt, Government of India, Jaipur.

.....Applicants.

versus

1. Union of India through Secretary, Ministry of Industry, Department of Industrial Policy and Promotion, Udyog Bhavan, New Delhi.
2. Salt Commissioner, Government of India, Lavan Bhavan, 20A Lavan Marg, Jhalana Doongri, Jaipur - 302004.

.....Respondents.

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None is present on behalf of the applicants.
Mr. S.S.Hassan, brief holder for
Mr. S.M.Khan, counsel for the respondents.

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O R D E R
(PER HON'BLE MR. A.P.NAGRATH)

In this application, the applicants have made the following prayer :-

- "(i) That the Hon'ble Tribunal be pleased to direct the Respondent to apply the same pay scales and all other attendant benefits which are applicable to Inspectors in the Central Excise Department with retrospective effect from 1.1.1980.
- (ii) Any other appropriate order or direction which the Hon'ble Court thinks just and proper in the facts and circumstances of the case even the same has been not specifically prayed for but which is necessary to secure ends of justice, may kindly kindly also be passed."

2. We have heard the learned counsel for the respondents.
None was present on behalf of the applicants.

3. What the applicants are seeking is, assigning the same pay scales to them as have been assigned to the Inspectors in the Central Excise Department. The Law in this matter is well settled in the case of State of U.P. and ors. Vs. J.P. Chaurasia and ors. reported in AIR 1989 SC 19, wherein, Hon'ble the Supreme Court observed as under :-

" The answer to the question whether two posts are equal or should carry equal pay depends upon several factors. It does not just depend upon either the nature of work or volume of work done. Primarily it requires among others, evaluation of duties and responsibilities of the respective posts. More often functions of two posts may appear to be the same or similar, but there may be difference in degrees in the performance. The quantity of work may be the same, but quality may be different that cannot be determined by relying upon averments in affidavits of interested parties. The equation of posts or equation of pay must be left to

the Executive Government. It must be determined by expert bodies like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee, the court should normally accept it. The court should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration."

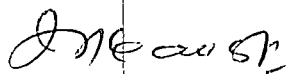
3. In Jai Pal and others and a batch Vs. State of Haryana and others, reported in AIR 1988 SC 1504, it was held by the Apex Court that "the principle of equal pay for equal work" applies if two classes of persons do the same work under the same employer with some responsibilities under similar working conditions. Thus, the legal position is well settled beyond doubt that the Courts and the Tribunals have no role in determining the pay scales of the employees or to decide the equivalence of working, nature and content of employees of two different departments.

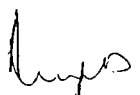
5. Our attention was also drawn to the orders of Hon'ble Bombay High Court in Writ Petition No. 1168/2001 decided on 25th July, 2001 (Union of India and Ors. Vs. All India Salt Department Employees Union and Ors.), where the matter came in Writ by the Union of India against the orders of Central Administrative Tribunal Bombay Bench. In that case also, the applicants before the Tribunal, had sought parity of pay scales with the Inspectors of Central Excise Department. In other words, it was the same controversy before that Bench of the Tribunal and the Tribunal had directed the Union of India to grant the same pay scales and other benefits to the Inspectors of Salt Department at par with the Inspectors of Central Excise. Hon'ble the High Court set aside the order of the Tribunal by taking note that the V Central Pay Commission had not granted parity of pay to the Inspectors in the Salt

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Department with that of Inspectors of Central Excise Department and that case was remitted back to the Tribunal for disposing of the O.A. according to law.

6. The legal position is clear beyond any doubt that it is not for the Tribunals to decide the pay scales of any segment of employees or to determine their equivalence with other set of employees. We, therefore, do not find any merit in this application. This Application is dismissed as having no merits with no orders as to costs.


[J.K.Kaushik]
Judl. Member


[A.P.Nagrath]
Adm. Member

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