

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 21/5/2002

OA No.535/1997

1. Mrs. Leela Bhatia w/o C.L.Bhatia
2. Brij Lal Chawla s/o Shri Dhokal
3. Smt. Maya Laxmi w/o Shri B.P.Kumawat
4. T.P.Agarwal s/o Shri Ram Prasad
5. M.L.Bansal s/o Shri C.R.Bansal
6. R.K.Mathur s/o late Shri Laxmi Sahai Mathur
7. O.P.Agarwal s/o Shri Bhanwar Lal
8. R.S.Yadav s/o Shri Ranu Deo Yadav
9. Ramesh Samtani s/o Shri Gopal Dass
10. Smt. Sarita Tolani w/o Shri Roop Kumar
11. B.N.Mahawar s/o Shri Mool Chand
12. Har Sahai Sharma s/o Shri Kanahiya Sharma
13. Kabul Singh s/o Shri Balu Ram
14. R.N.Taneja s/o Shri Trilok Chand
15. Shiv Charan Lal Gupta s/o Shri S.N.Gupta
16. P.C.Halidiya s/o late Shri N.D.Halidiya
17. Mrs. Kamlा Jawa w/o Shri M.L.Jawa
18. J.N.Sharma s/o Shri Govind Narain Sharma
19. Shri K.C.Jain s/o Shri Keser Lal ji.
20. O.P.Singh s/o Shri Durjan Singh
21. Meer Singh s/o Shri Roop Singh
22. M.C.Jain s/o Shri Mishri Lal
23. P.L.Bagra s/o Shri Hanuman Prasad
24. P.P.Sharma s/o late Shri Rajesh Prasad Sharma
25. Hanuman Sahai Sharma s/o late Shri Jagdish Narayan
26. Johri Lal s/o Shri Bhori Lal Meena
27. Gajanand Soni s/o Shri Pooran Mal Soni

28. Ram Rai s/o Shri Kalyan Sahai.

Applicants are working as Senior Section Supervisor/Section Supervisor in the office of General Manager, Telecom District, Jaipur.

.. Applicants

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Telecommunications, Ministry of Communications, New Delhi.

2. Director General, Department of Telecommunications, Sanchar Bhawan, New Delhi.

3. General Manager Telecom, Telecom District, M.I.Road, Jaipur.

.. Respondents

Mr. K.L.Thawani - counsel for the applicants

Mr. Bhanwar Bagri- counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Member (Judicial)

Hon'ble Mr. H.O.Gupta, Member (Administrative)

O R D E R

Per Hon'ble Mr. H.O.Gupta, Member (Administrative)

The applicants, working as Senior Section Supervisor/Section Supervisor (Operative) in the pay scale of Rs. 1600-2660/1400-2300 in the office of the General Manager, Telecom District, Jaipur, Department of Telecommunications, have prayed for appropriate directions to the respondents to grant them pay scale of Rs. 1640-2900 w.e.f. 1.1.86 with all consequential benefits on the following main grounds:-

1.1 Duties and responsibilities and working conditions and the field of work of the applicants are



almost same or identical vis-a-vis Assistants and Stenographer Grade 'C' working in other Departments/Ministries, who have been granted pay scale of Rs. 1640-2900.

1.2 Prior to revision of the pay scale vide order dated 31.7.90 (Ann.A2), the applicants and the Assistants/Stenographer Grade 'C' in the Central Secretariat Services (CSS) and Central Secretariat Stenographers Services (CSSS) and other Ministries, were the same or nearly the same. The disparity in the pay scale of Assistants/Stenographer Grade 'C' and the applicants is caused by this order discriminating them and disturbing the parity in the pay scale for the employees performing equal work, responsibilities, duties etc.

2. The respondents have contested this application. Briefly stated, they have submitted that:-

2.1 The cadre of Assistants/Stenographer Grade 'C' of CSS and CSSS is meant for the posts in Departments and Ministries of the Central Government. They have entirely different duties and responsibilities than those of the posts in the field offices of the Departments, which may be seen from the comparative duties between Section Supervisors of DOT and Assistants of CSS and Stenographers Gr. 'C' of CSSS from Ann.R1.

2.2 The fixation of pay for different categories of posts is the function of the Government, which normally acts on the recommendations of the Pay Commission. The change of pay scale of a category has a cascading effect on the several other categories similarly situated. The Pay Commission goes into the problem at great depth and

happens to have a full picture before it, which is the proper authority to decide this issue. The respondents have prayed for the dismissal of this application relying on Hon'ble the Supreme Court's judgment in the case of Union of India and Ors. v. P.V. Hariharan in CA No.7127 of 1997 decided on 12.3.97, JT 1997 (3) SC 569 and the Hon'ble Apex Court judgment in the case of State of West Bengal and ors. v. H.N. Bhowal and ors., (1994) 27 ATC 524.

3. The applicant in the rejoinder has reiterated his contentions made in the OA.

4. Heard the learned counsel for the parties and perused the record.

4.1 The learned counsel for the respondents submitted that the case of the applicants was considered by the 4th Central Pay Commission as well as by the 5th Central Pay Commission (CPC). Based on their recommendations, the Govt. has given the appropriate pay scale to the applicants. He also submitted that the qualifications, duties and responsibilities of the Assistants/Stenographer Grade 'C' in the Central Secretariat and that of Section Supervisor in DOT are entirely different, as may be seen from Ann.R1 of the reply, which is not disputed by the applicants in their rejoinder. He further submitted that the law in such cases has already been laid down. The contention of the learned counsel for the applicant is that the nature of duties performed by the Assistants in the Ministries and those performed by the applicants are similar. He also submitted

that there was no valid reason for denying the applicants the pay scale of Rs. 1640-2900 even on the basis of the DOPT letter of 31.7.90. Further, that on the principle of 'equal pay for equal work', the applicants are entitled for grant of pay scale of Rs. 1640-2900.

4.2 The determination of pay scales is the function of the expert body like the Pay Commission and based on their recommendations, the Govt. finally decides pay scales taking into account the relevant facts. The expert body determines the pay scales keeping in view the duties and responsibilities, the mode of recruitment, the qualifications and experience required, the quality of work, the efficiency required etc. for a particular post. The Tribunal cannot act as an expert body for such type of job. On the basis of the material before us, the Tribunal is of the view that the applicants have not made a case of discrimination. We find that the applicants are seeking upgradation of the pay scale in line with those available to the Assistants of the CSS and Stenographer Gr.'C' of CSSS. Obviously, there can be no comparison of the applicants who are Section Supervisors with those of Stenographers Grade 'C'. On perusal of Ann.R1, we find that the nature of duties and qualification of Section Supervisors are not comparable to those of Assistants in the Central Secretariat Service. The Assistants in the Central Secretariat Services performs the function in the Ministries/Departments whereas the Section Supervisors are engaged to perform functions in field units of the Departments. The qualification prescribed for Assistant is graduate whereas that of the Section Supervisor is matriculation. 50% of the posts of Assistants are filled

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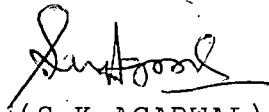
through competitive examination on All India Basis whereas posts of Section Supervisor are filled only by promotion. The DOPT Office Memorandum dated 31.7.90 (Ann.A2) stipulates that the revised pay scale of Rs. 1640-2900 will be applicable to the Assistants of other Organisations on the condition that the posts are in comparable grades with same classification and pay scales and the method of recruitment through open competitive examination is also the same. Even if it is presumed that the Section Supervisors perform similar nature of work as those performed by the Assistants in the Ministries, we do not think that all these conditions are being satisfied in the case of the applicants particularly the condition with regard to method of recruitment.

5. In view of above discussions, we do not find any merit in this OA and accordingly, it is dismissed without any order as to costs.



(H.O.GUPTA)

Member (Administrative)



(S.K.AGARWAL)

Member (Judicial)