

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 12th day of August, 2008

ORIGINAL APPLICATION NO.560/2005

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Jose Thomas,
Laboratory Technician,
O/o 6.C-I, CRPF, Group Centre,
Golf Course Road,
Ajmer.

... Applicant

(By Advocate : Shri P.V.Calla)

Versus

1. Union of India through
Secretary to Home Affairs,
New Delhi.
2. Inspector General of CRPF,
Northern Sector,
R.K.Puram,
New Delhi.
3. Addl.Dy.Inspector General of CRPF,
Group Centre-I,
Golf Course Road,
Ajmer.

... Respondents

(By Advocate : Ms.Kavita Bhati, proxy counsel for
Shri Kunal Rawat)

ORDER (ORAL)

PER HON'BLE MR.B.L.KHATRI

The applicant, who has been working as Laboratory Technician in the Central Reserved Police Force (CRPF), has filed this OA against the impugned orders dated 20.7.2005, at Ann.A/1 and A/2, whereby he has been denied pay parity with the post of Sub

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Inspector w.e.f. 10.10.97. He has prayed for the following relief :

"by an appropriate writ, order or direction the impugned letters Annexure A/1 and A/2 may kindly be quashed and set aside and the respondents may be directed to revise the pay of the applicant from Rs.4500-7000 to Rs.5500-9000 w.e.f. 10.10.97 and further directed them to pay the arrears of the pay consequent thereupon. The respondents may further be directed to grant all benefits which are attached with this facility and provided to other staff of the Central Police Organisation."

2. Brief facts of the case are that the applicant has been working as Laboratory Technician in CRPF since 1982 and drawing the pay scale of Rs.4500-7000 with effect from 1.1.96. Vide order dated 10.10.97 pay scales of various personnel were revised in accordance with the recommendations of the 5th Pay Commission. Revision of pay, pursuant to the recommendations of 5th Pay Commission, was made w.e.f. 1.1.96. However, the Government of India made the same applicable for their employees vide order dated 10.10.97. The applicant stated that in the process of revision of pay vide order dated 10.10.97 a discriminatory treatment was meted out to him and to a large number of other employees. As per the report of 5th Pay Commission, pay scale of Rs.4500-7000 was revised by the Government to the higher scale of Rs.5500-9000 w.e.f. 10.10.97 to rationalize the rank structure and the pay scales of non-gazetted cadre of Central Police Organisation. The applicant is also one of the members of non-gazetted cadre of CRPF and, he stated, there cannot be any distinction between the posts of Sub Inspector & Lab Technician and other staff. Making difference between two categories and

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depriving them to get higher pay scale is in total breach of Article-16 of the Constitution of India. It was intimated by the respondents that the matter regarding enhancement of pay scale in view of Government of India's letter dated 10.10.97 is under consideration, but at the same time the said benefit was denied to the applicant on the ground that there is distinction between combatised or non-combatised staff. This view of the respondents is arbitrary and illegal.

3. The respondents have contested this OA and have filed their reply. The respondents in their reply have submitted that the applicant was appointed on the Civilian post of Laboratory Technician in the year 1982. Thereafter, in the year 1989, the Government of India converted the Civilian posts of Group-C & D of hospital staff into the uniformed/combatised one but the persons already working in Group-C & D category in the Hospital Staff of the respondent department were given option to choose combatised post/civilian post till their attaining the age of superannuation. The applicant was also afforded the chance for opting the combatised post but he chose to continue to work as Civilian staff in the respondent department, therefore, the benefits which were awarded later on to the combatised persons of the Hospital were not given to the applicant as he is not entitled for the same. The Ministry of Home Affairs issued the order dated 10.10.97, by which pay scales of combatised staff of the respondent department have been

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increased. There arose a grievance in the mind of non-combatised staff. The applicant belongs to non-combatised service of the respondents as he had refused to opt for the combatised service when options were called for. The respondents have also stated in their reply that since the posts of Laboratory Technician and Sub Inspector have been created in the different structure and for the different purposes, therefore, both the posts cannot become the same and the pay and allowances of the posts cannot be the same and similar to each other. Since the Government of India has decided to grant the pay and allowances of the combatised posts and non-combatised posts due to their duties and responsibilities and work allotments, therefore, the applicant is not entitled to get the pay scale and allowances which are attached with the combatised post of the department.

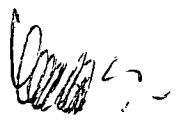
4. We have heard learned counsel for the parties and perused the material available on record. We find that the applicant is holding the post of Laboratory Technician in CRPF. The applicant has claimed that his pay scale may be revised from Rs.4500-7000 to Rs.5500-9000 w.e.f. 10.10.97 as it has been done in the case of such Inspectors of CRPF. The respondents have stated categorically in their reply in para-9 that the posts of Laboratory Technician and Sub Inspector carry different duties and responsibilities. The post of Sub Inspector falls under the category of Combatised posts, whereas the post of applicant i.e. Laboratory Technician is a

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civilian post. When the applicant was given opportunity to opt for combatised post, he did not avail the opportunity and opted for the civilian post. Thus, it was rightly held by the respondents that the applicant is not entitled to get the pay and allowances of the combatised post. The duties of civilian posts attached with the CRPF are different and distinct. Therefore, we are of the opinion that it is not a case of discrimination between two similarly situated posts or employees.

5. Accordingly, the OA is bereft of merit and the same is dismissed with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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