

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

Dated: This the 23rd day of August 2018.

PRESENT:

HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A)
HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)

Original Application No. 1452 of 2012

1. Yogendra Narain Tiwari aged about 50 years, S/o Shri Shiv Bachan Tiwari Resident of 4/9 Shiv Nagar Colony, Allahabad and presently serving as Store Keeper (Medical Stores) in C.G.H.S. Allahabad.
2. Prem Kumar aged about 59 years, S/o Late Dharam Pal Resident of 17 B/3D/1C Ganga Nagar Gate No. 1/6 East Rajapur Allahabad and presently serving as Store Keeper (Medical Stores) in C.G.H.S. Allahabad.
3. S.C. Arya aged about 50 years, S/o Shri Ram Kishan Arya Resident of 41 F/1L Sakat Nagar Dhoomanganj, Allahabad presently serving as Store Keeper (Medical Stores) in C.G.H.S. Allahabad.

. . . Applicants

By Adv: Shri Swayamber Lal

V E R S U S

1. Union of India through its Secretary, Ministry of Health & Family Welfare, Nirman Bhawan, Govt of India, New Delhi 110011.
2. Director General, Health Services, Govt of India, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi 110011.
3. The Director, Central Govt. Health Scheme, Nirman Bhawan, New Delhi 110011.
4. The Additional Director, Central Govt. Health Scheme, Sangam Place, Civil Lines, Allahabad.

. . . Respondents

By Adv: Shri R.K. Srivastava

O R D E R

BY HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)

1. Applicants Yogendra Narain Tiwari and 2 others have filed the present O.A. under Section 19 of the Administrative Tribunal Act averring therein that they are B.Sc graduates and presently working as Store keeper (medical stores) in C.G.H.S Allahabad having the pay scale of Rs. 330-560 as per the 2nd Central Pay Commission Report. As per the 3rd Pay Commission, the Store Keepers (medical Stores) and Pharmacists were put in the same scale Rs.330-560. The 4th Pay Commission recommended the pay scale of Rs.1350-2200 for the pharmacists but no recommendation was made about the Store Keepers (Medical Stores).
2. To cut the story short, one Satya Kishore Sinha serving in CGHS Patna similarly situated as the applicants filed an O.A. No. 287 of 1989 in Patna and was granted the pay scale of Rs.1350-2200 from 01.01.1986 in pursuance of Order dated 30/08/1991. Subsequently letter dated 29.05.2012 (Annexure - A6) of authority under RTI Act confirmed that said Satya Kishore Sinha Store Keeper was drawing a pay scale of Rs.1350-2200 as on 01.01.1986.
3. Applicants' case is that they and Satya Kishore Sinha have same qualifications, holding similar post of Store keeper (medical store), similar duties in same department of C.G.H.S,

therefore, they are entitled to same pay scale and denial of the same by the respondents is violative of their rights under Articles 14 and 16 of Constitution of India. Therefore, to remove this discrimination practiced towards them by the State, a direction be given to the respondents to give them equal treatment with said Satya Kishore Sinha in matter of pay scale of Rs.1350-2200 from 01.01.1986 and also to quash the impugned order dated 03/09/2012 passed by respondent No. 3 whereby the representation of applicant seeking the pay scale was rejected.

4. In reply, respondents in their counter affidavit have taken the plea that applicants are not entitled to parity in pay scale with said Satya Kishore Sinha on the ground that the education qualification of applicants are not similar to that of Satya Kishore Sinha. The applicants are B.Sc graduates whereas said Satya Kishore Sinha has a higher qualification of degree in Pharmacy and, therefore, the different education qualification is the core reason why there cannot be pay parity between the applicants and Satya Kishore Sinha.
5. We have heard and considered the arguments of Learned Counsels for the parties and gone through the material on record.
6. Learned counsel for applicants submit that since both the parties are doing similar work i.e. store keepers in the same department, so

there cannot be any unequal treatment by the State in the matter of pay scale payable to both sides whereas learned counsel for respondents argued that since the educational qualifications of both the sides are different, there cannot be parity in pay.

7. So, the question boils down to that the applicants and Satya Kishore Sinha are doing similar work and so the principle of equal work equal work applies or not or whether they are on equally situated because the educational qualifications of Satya Kishore Sinha is higher to that of the applicants and they are class apart and hence the difference in pay scale being different.

8. It was argued by applicants that a high pay scale was given to Satya Kishore Sinha as per the orders of the Tribunal. However, on what basis, the order was given by the Tribunal is not forthcoming from the record. What were reasons which impelled the Tribunal to issue direction to the Government to give a higher pay scale than the applicants has not been spelled out by the applicants. Even so, as per, the admitted facts, said Satya Kishore Sinha had a higher qualification than the applicants which gave him an edge over the applicants and put him in class apart from the applicants.

9. In view of the facts and circumstances of the case, as discussed above, we are of the opinion that no case is made out by the applicant for

issuance of direction to the respondents to give a higher pay scale to the applicants. O.A. is, accordingly dismissed. No order as to costs.

(Rakesh Sagar Jain)

Member (J)

(Gokul Chandra Pati)

Member (A)

Manish/-