

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.4231/2013

New Delhi, this the 27th day of May, 2016

Hon'ble Mr. P.K. Basu, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Smt. Meena Chugh (Aged about 58 Years)

W/o Sh. Sudhir Kumar

R/o I-28B, Second Floor

Lajpat Nagar-II, New Delhi-110024Applicant

(By Advocate : Mr. T.D.Yadav)

Versus

Union of India

1. Through Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Engineer-in Chief Branch
(EIC) IHQ of Mod (Army)
Kashmir House, Rajaji Marg,
New Delhi-110010
3. Garrison Engineer
Rao Tula Ram Marg,
Delhi Cantt. -110011. Respondents

(By Advocate: Mrs. Avinash Kaur)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

The applicant is Proof Reader with the respondent No.3. He is aggrieved with the order dated 24.06.2002 by which his pay has been fixed in the Vth CPC in the pay scale of Rs. 4000-100-6000 w.e.f. 1.1.1996 instead of Rs.4500-125-7000.

2. It is argued that pay of the post of Proof Reader in the Ministry of Home Affairs in the erstwhile pay scale of Rs.330-480 was revised to Rs.1200-30-1440-30-1800 and the 5th CPC recommended the pay scale of Rs.4500-125-7000 for Proof Readers.

3. Our attention was drawn to the letter dated 13.10.1998 issued by the GE, New Delhi, Rao Tula ram Marg Delhi Cantt-10 which indicates that pay of Proof Reader pre-revised (1200-30-1440-ED-1800) was revised as 4500-125-7000. In fact, the learned counsel for the applicant has also filed the revised scale of pay of Proof Reader of Ministry of Home Affairs and Department of Personnel and Training, in which case also the pre-revised scale of Rs.1200-30-1440-ED-1800 was revised to Rs.4500-125-7000. The applicant's case is that since the pay scale of Rs.1200-30-1440-ED-1800 has been revised to Rs.4500-125-7000, the respondents should have granted the said scale to her from 01.01.1996.

4. Learned counsel for the applicant has also drawn our attention to the reply filed by the respondents, specifically from para 5.1. to 5.8 wherein the respondents have taken plea that that there are no specific pay scales, rank structure etc. in 5th CPC for Printing Staff of MES/Ministry of Defence and pay fixation

in the corresponding replacement pay scale of Rs.4000-100-6000 for Rs.1200-1800 was correct. They have stated that the prayer of the applicant that pay scales of Ministry of Home Affairs and other Ministries be also made applicable to Ministry of Defence/MES Press, cannot be accepted as applicant's pay scale cannot be compared as Home Affairs and Ministry of Defence are different Organizations having different posts, service conditions, regulations, pay scales, rank structure etc.

5. The contention of the applicant is that the job of Proof Reader in Ministry of Home Affairs is in no way different from the job of Proof Reader in the Ministry of Home Affairs and, as such, the applicant is also entitled to the pay scale of Rs.4500-7000. In fact, in this regard, the learned counsel for the applicant states that principle of 'equal pay for equal work' should be applied and relied on the judgment in **Randhir Vs. U.O.I (1982) 1 S.S.C - 618** with specific reference to para 9 of the order, which is quoted below:-

9. There cannot be the slightest doubt that the drivers in the Delhi Police Force perform the same functions and duties as other drivers in service of the Delhi Administration and the Central Government. If anything, by reason of their investiture with the 'powers, functions and privileges of a police office, their duties responsibilities are more arduous. In answer to the

allegation in the petition that the driver-constables of the Delhi Police Force perform no less arduous duties than drivers in other departments, it was admitted by the respondents in their counter that the duties of the driver-constables of the Delhi Police Force were onerous. What then is the reason for giving them a lower scale of pay than others? There is none. The only answer of the respondents is that the drivers of the Delhi Police Force and the other drivers belong to different departments and that the principle of 'equal pay for equal work' is not a principle which the courts may recognise and act upon. We have shown that the answer is unsound. The clarification is irrational. We, therefore, allow the petition and the driver-constables of the Delhi Police Force at least on a par with that of the drivers of the Railway Protection Force. The scale of pay shall be effective from January, 1, 1973, the date from which the recommendations of the Pay Commission were given effect.

6. In view of the above, learned counsel for the applicant prays that the OA should be allowed and the applicant should be granted pay scale of Rs.4500-7000 w.e.f. 1.1.1996.

7. Per contra the respondents in the reply have stated that in the 5th CPC, there was no specific recommendation for Printing Staff of MES/ Ministry of Defence and hence the normal replacement pay scale was to be adopted. The respondents have also stated that normal replacement scale for Rs. 1200-30-1440-ED-1800 was Rs. 4000 -6000 and therefore, in case of applicant, the replacement scale of Rs.4000-6000 was rightly granted. As regards the comparison with regard to the pay

scales of the Ministry of Home Affairs and Ministry of Defence, respondents plea is that service conditions, regulations, duties and structure of the Post in the two Ministries are different and so the pay scales. The respondents have also filed letter dated 15.11.2011 along with the reply in which the Proof Reader has been granted pay scale of Rs.4000-6000 as on 01.01.1996.

8. We have heard the learned counsel for the parties and perused the judgment cited by the learned counsel for the applicant.

9. The Hon'ble Supreme Court in a catena of judgments **[Union of India & Another Vs. P. V. Hariharan & Anr. SCC (L&S) 838 and Union of India & Ors. Vs. Makhan Chandra Roy AIR 1997 SC 239]** has held that the matter of determination of pay scales lies with Expert Bodies, like Pay Commission and it is not for the Courts or Tribunals to fix the pay scales. It should be best left to be decided by expert bodies like Pay Commissions unless there is *prima facie* arbitrariness or malafide in the decision taken by the respondents. We see no arbitrariness or malafide. The principle is well established that if the Pay Commission does not recommend a specific scale, the normal replacement scale has to be granted. Therefore, we cannot enter into a *de novo* exercise.

10. As regards pay scale of Rs.4500- 7000 being granted to the Proof Reader in the Ministry of Home Affairs and other departments and thus to hold that the applicants are also entitled to the pay scale of Rs. 4500-7000, in view of ratio laid down by the Hon'ble Supreme Court in cases cited above, this Tribunal cannot interfere in this matter. In any case, merely similar designation cannot be a ground to decide pay scale and this requires detailed exercise to be undertaken.

11. In view of the above, we do not find any merit in the OA and, therefore, the same is dismissed. No costs.

**(Dr. Brahm Avtar Agrawal)
Member (J)**

**(P.K. Basu)
Member A)**

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