

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH  
CHANDIGARH**

**OA. No. 060/00133/2016**

Order pronounced on : 06.03.2018

Order reserved on : 26.02.2018

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**CORAM: HON'BLE MR.JUSTICE M.S. SULLAR, MEMBER(J)  
HON'BLE MRS.P. GOPINATH, MEMBER(A)**  
...

Surinder Singh, Assistant Treasury Officer, Central Treasury, UT Chandigarh Administration, Sector 17, Chandigarh.

.....Applicant

**BY: Sh. Barjesh Mittal**

VERSUS

1. Union Territory Chandigarh Administration, U.T. Civil Secretariat, Deluxe Building, Sector 9D, Chandigarh through its Advisor.
2. Finance Secretary, Union Territory Chandigarh Administration, U.T. Civil Secretariat, Deluxe Building, Sector 9D, Chandigarh.
3. Special Secretary (Finance-cum-Director), Treasury and Accounts, Union Territory Chandigarh Administration, U.T. Civil Secretariat, Deluxe Building, Sector 9 D, Chandigarh.

.....Respondents

**BY ADVOCATE: Sh. Rakesh Verma**

**ORDER**

**HON'BLE MRS. P. GOPINATH, MEMBER(A):-**

1. Applicant was appointed as a Clerk on 30.04.1982. He was placed in the post of Senior Clerk in 1989 and promoted as Assistant Treasurer in 1985. In 2002, applicant was promoted as District Treasurer, and in July 2007 promoted as Superintendent in

the Pay Band of Rs. 10300-34800 with Grade Pay of Rs. 4200 which was later enhanced to Rs. 4800 w.e.f. 01.12.2011. Applicant was promoted as Assistant Treasury Officer in the same pay scale with higher Grade Pay of Rs. 5000 w.e.f. 01.12.2011.

2. Applicant argues that the Central Treasury, UT Chandigarh is included under the list of Head of Department, earlier placed under Special Secretary (Finance) respondent No. 3.

3. Applicant argues that his case is covered by the judgement passed by the Tribunal, upheld by Annexure A-3 order of Punjab and Haryana High Court and Annexure A-4 order of the Supreme Court of India. Applicant also cites Annexure A-10 judgement passed by the Tribunal granting the higher pay scale of Superintendent Grade I to incumbents who are working as Head of Department in Chandigarh Administration. Applicant is working as Head of Department under respondent No. 3 and hence claims entitlement for the same benefits as in Annexures A-2 and A-7 judgements. Not being granted the pay scale of Superintendent Grade I, applicant approached this Tribunal by way of OA No. 060/00409/2015 which was disposed of with the direction to respondents to consider the representation of the applicant and the ratio laid down in the judgement as relied upon by the applicant, if applicable to the case in hand. As no action was taken, applicant filed CP No. 060/00188/2015 during the pendency of which, impugned order was issued.

4. The claim of the applicant is that he is entitled to the provisions of 13.01.1992 notification, Recruitment Rule of 2001, and inclusion of Head of the Department of respondent No. 4, in the Annexure A-5 list. The prayer of the applicant is for setting aside impugned order Annexure A-1 dated 01.10.2015 and grant of appointment from the post of Superintendent Grade II to the post of Superintendent Grade I on the grounds that he was working as Head of Department as per 16.07.1984 notification and Annexures A-2, A-3 and A-4 judgements.

5. The respondents argue that the applicant's case is not covered by the judgements cited by the applicant. Also, Annexure R-1 Notification dated 24.09.1996 wherein Heads of Department were declared by Chandigarh Administration. The Central Treasury, UT Chandigarh, did not find a mention in the order. The Central Treasury, UT Chandigarh is a field office. The Treasury officer, Central Treasury, UT Chandigarh acts as Head of Office, reporting to the Director Treasury and Accounts, through Finance and Planning Officer Branch in the UT Secretariat.

6. The respondents argue that the parity of posts argued by the applicant is not admissible in view of the different pay scales of the two posts. The post of Superintendent/Dy. Superintendent, Central Treasury, UT Chandigarh was in pay scale of Rs. 225-500 which was revised to Rs. 620-1200, whereas post of Director, Higher Education was in higher pay scale of Rs. 400-650 later revised to Rs. 825-1580 in 1978. The post in the pay scale held by the applicant i.e.

620-1200 was designated as Superintendent Grade IV and the post cited in the judgements was in the pay scale of Rs. 825-1580 and designated as Superintendent Grade I. Hence, going by the pay scale or the designation, the judgement with which applicant claims parity is also not applicable. The Superintendent in the office of Director, Higher Education worked under the administrative control of Director, Higher Education whereas Superintendent in the Central Treasury are administratively controlled and supervised in a separate branch under the Planning and Finance Officer. Besides the pay scales, going by the designation of the post Superintendent Grade IV and Superintendent Grade I and the departments, i.e. Central Treasury and Higher Education, the duties are also not comparable. The benefit of Superintendent Grade I, in the Higher Education Department was granted only to the petitioner (since retired) and any claim for parity with this post is also not admissible and the applicant is not entitled to be granted the pay scale of Superintendent Grade I for the period July 2007 to August, 2011.

7. In the order passed in OA No. 766/CH/2000 with which applicant claims parity, the applicants were Superintendent Grade II working in the office of Director Public Instructions (College), UT Chandigarh. Applicant in this OA has nowhere argued that the Recruitment Rules of Superintendent Grade II in the office of Director Public Instructions (Colleges) and Director Treasury and Accounts are governed by the same set of Recruitment Rules. The applicants in the two OAs are working under two different departments with their

own line of control and promotion. Neither has the applicant argued that the nature of the duties of the two posts is similar or has produced the duty chart of both the posts to argue a similarity.

8. The Treasury Officer, Central Treasury Chandigarh, vide Annexure R-3, addressed to Special Secretary (Finance), submits that there is no post of Superintendent Grade I in his office. He also stated that there is only a post of Assistant Superintendent (Treasury) which has been redesignated as Superintendent in the year 1986. This post of Superintendent is without the qualification of Grade II or Grade I as in the office of Director Education. There are separate posts of Superintendent Grade I and Grade II in the office of Director Public Instructions, and the Fourth Pay Commission has not merged both the posts into Grade I, and there are 28 posts of Superintendent Grade I and 13 posts of Superintendent Grade II.

9. As per Notification dated 24.09.1996 declaring the Heads of Department, Central Treasury of UT Chandigarh does not find a mention in the said Notification. Respondent submits that this is on account of the fact that Central Treasury is a sub-cadre office/field office. The Treasury and Accounts referred to in the said Notification is the F&PO Branch under the Finance Department which is a part of the UT Secretariat which deals with cases relating to accounts, Establishment of Central Treasury, SAS Cadre Officers, Planning and Evaluation Wing and Statistical Cell of Finance Departments. Hence, the interpretation of the applicant that the Central Treasury is what is



referred to under the Head "Treasury and Accounts" appears to be a misreading of the said notification.

10. Whereas the pre-revised pay scale of Superintendent/Deputy Superintendent Central Treasury was Rs. 225-500, the office of Director Higher Education was carrying the unrevised pay scale of Rs. 400-650. Hence, on account of pay scale also, the question of parity between two posts does not arise. It was necessary to have the pay scale of Rs. 400-650 for being designated as Head of Department as per Notification dated 24.09.1996. Hence, on this ground also, the post of Superintendent in Central Treasury, UT Chandigarh does not qualify for parity with the post of Director, Higher Education.

11. While upgrading some of the posts of Superintendent Grade II to Superintendent Grade I, the posts which were upgraded, were in the pay scale of Rs. 400-650 and upgraded to Rs. 825-1580. These are not scales of pay drawn by the applicant in the OA while working in the Central Treasury. The post of Superintendent Central Treasury in the scale of Rs. 225-500 carries the designation of Superintendent Grade IV, whereas the parity sought is with the post of Superintendent Grade I/Superintendent Grade II. The Superintendent Higher Education is placed under the administrative control of Director, Higher Education. The Superintendent in Central Treasury does not work directly under Director Treasury and Accounts but under the control of F&PO Branch in the Finance

Department. Hence, in the line of the controlling office also a parity cannot be drawn.

12. On the touchstone of Articles 14 & 16 of the Constitution, the burden was on the applicant to place on record cogent material like recruitment rules to establish discrimination or reversely establish parity. This could also be job/functional parity of the two cadres in the Higher Education Department and in the Treasury Department. The parity could also be on the mode of recruitment, qualification or the responsibilities attached to the two posts. This information is necessary to analyse the rationale in giving different treatment to the two classes of employees and then subsequently determine whether or not an invidious discrimination has been practiced. We find the applicant has not placed before us any of these arguments.

13. When identify of job functions or pay scales between two different departments under UT administration has not been established by applicant, it would be unreasonable and unjust to argue a case of parity in the matter of pay. Where the question of similarity of conditions of service is not established, the question of denial of equal opportunity cannot be argued. The concept of equality cannot have existence except with reference to matters which are common between the two posts.

14. Article 14 is designed to prevent discrimination. It seeks to prevent a person or a class of persons from being singled out from others similarly placed or circumstanced for the purpose of discrimination. Any such classification should be based on intelligible

differentia. In this case commencing from the starting pay scale, replacement pay scale and the departments where the applicant and those with whom parity is sought as per Annexure A-4, applicant has not drawn up a similarity which could result in similar treatment. The applicant while trying to argue on the basis of doctrine of classification has not been able to establish that the circumstances which govern him or the persons with whom he is seeking parity, are governed by similar conditions and circumstances.

15. With the above observations, we find no merit in the present OA and the same is dismissed accordingly. No costs.

The seal of the Central Administrative Tribunal is a circular emblem. It features a central wheel with many spokes, resembling the Ashoka Chakra. The text "Central Administrative Tribunal" is written in a circle around the wheel. Below the wheel, there is a banner with text in Hindi.

**(P. GOPINATH)**  
**MEMBER(A)**

**(JUSTICE M.S. SULLAR)**  
**MEMBER(J)**

**Dated**  
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