

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01242/2013

Dated the 9th day of November Two Thousand Eighteen

PRESENT

**HON'BLE MRS. JASMINE AHMED, Member (J)
&
HON'BLE MR. T. JACOB, Member (A)**

M.Susai John Britto,
Offset Machine Operator,
Department of Printing and Stationery,
JIPMER,
Puducherry 605006.Applicant

By Advocate M/s. J.Srinivasa Mohan

Vs

1. Government of India,
rep by its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi 110011.

2. The Director,
JIPMER,
Puducherry 605006.Respondents

By Advocates Mr. J. Vasu (R1)
Mr. M.T.Arunan (R2)

ORDER**(Pronounced by Hon'ble Mr. T. Jacob, Member(A))**

Heard. The applicant has filed this OA seeking the following reliefs:

“a. Call for the records of the 2nd respondent in Office Memorandum No. Admn-I/RR/12(2)/2013 dated 1.2.2013 and set aside the same,

b. Direct the 2nd respondent to revise the pay scale of the applicant's post to Rs. 4500-7000/- on the basis of parity with Central Government employee,

c. Subject to prayer b and in the alternative direct the 2nd respondent to revise the pay scale of the applicant's post to Rs. 4000-100-6000 on the basis of para 52.111 of the V Pay Commission,

d. Pass such other suitable orders as this Hon'ble Tribunal may deem fit in the circumstances of the case and render justice.”

2. The brief facts of the case as stated by the applicant are as follows:-

The applicant was appointed as Offset Machine Operator in the Department of Printing and Stationery, JIPMER on 27.1.2003. The details of the post are as under:-

(a) Scale of Pay: Rs. 3050-75-4590

(b) Educational requirements: Matriculation or its equivalent from a recognized Board, with one year experience in operating offset machine.

(c) Job requirement : To do multi colour printing, book work etc.

The applicant, apart from the educational qualification has also at his credit an one year Diploma in Printing Technology and 2 years experience as Offset Machine Man in a private printing press at Pondicherry. The job requirement of the applicant is to do multi colour printing, book work etc.

The V Pay Commission, vide para 52.111, recommended a uniform pay scale of Rs.. 4000-100-6000 in respect of all technical posts, for which the minimum qualifications stipulated are Matriculation with some experience. This recommendation has been accepted and implemented by the Central Government. However, accordingly to the applicant, the scale of pay recommended was Rs. 4000-100-6000. The Pay Commission recommendation has been accepted and implemented by the Central Government. However, the 2nd respondent has not carried out the revision. In addition, under the Government of India Press, a post called 'Machine Operator' re-designated as Offset Machine Man-Gr-I, having similar qualifications and responsibilities, has a higher scale of pay of Rs. 4500-125-7000 and the Offset Machine Man under the Government of India Press are doing multi colour printing work, as is done by the applicant and in such circumstances the pay of the applicant alone cannot be different. This kind of anomaly was in existence under the Puducherry Press where the counter parts of the applicant were earlier drawing the same scale as is being drawn by the applicant. However, pursuant to the order in OA 309 of 2009, the claim of the applicants therein for parity on the basis of work done being the same, was accepted, and they have been granted the scale given to the counterparts doing the same work under the Government of India Press. The claim of the applicant thus is that the respondents are

bound to consider and grant the scale as sought for, at par with the counterpart in the G.O.I Press.

2. The applicant gave several representations to the 2nd respondent but there was no response on the part of the respondent. Hence, the applicant filed OA 1487 of 2012. This Tribunal disposed of the OA with a direction to the 2nd respondent to consider the representation submitted by the applicant dt. 11.9.2013 in accordance with the relevant rules, within a period of three months. The 2nd respondent without appreciating the contention has rejected the same. Aggrieved by the order of the 2nd respondent rejecting the claim, the present OA has been filed.

3. The respondents would submit that the institute is bound by the recommendations of the Pay Commission which were accepted by the Government of India and followed by issue of orders/instructions to that effect. Further, in the instant case, there were no specific orders issued by the Government of India and only standard replacement scales were given to the applicant. The applicant has not placed any documents to prove his claim that the applicant has not placed any documents to prove his claim that the work of the applicant and the Offset Machine Man under Central Government Press is one and the same. The respondents would further submit that the notified RR for post of Offset Machine Operator (Grade Pay Rs. 1900/-) in JIPMER is as follows:-

i Matriculation or its equivalent qualification from a recognized board.

ii One year experience in Operating Offset Machine.

Whereas, the RR for the post of Offset Machine Man (Grade Pay Rs. 2800/-) in Pondicherry Government press is:

i Diploma in Printing Technology (Offset) from a recognized institution.

ii Five Years working experience on Offset Machine doing single and multi-colour work.

The RR for the post of Offset Machine man Grade II (Grade pay Rs. 2,800/-) in Central Secretariat Puducherry is Matriculation or its equivalent with vocational course certificate in the trade of Offset Machine Man with 2 years' experience in the field. Hence, the contention of the applicant that the post of applicant is identical with that of post in the Pondicherry Government is baseless and without any basis.

5. The respondents would submit that the representation of the applicant was examined carefully and forwarded to the Chairman, VIth Pay Commission, New Delhi on 18.5.2007 for further necessary action. As the pay scale was not upgraded, the applicant approached the Tribunal by OA 1487/2012 and the Tribunal passed order dt. 11.12.2012 to consider the representation of the applicant for upgrading his pay scale. Accordingly, the

representation of the applicant was considered carefully and a detailed reasoned and speaking order dt. 1.2.2013 was passed.

6. Learned counsel for applicant argued on the lines as in the OA, viz.

(a) the 5th Pay Commission, vide its recommendation at para 52.111, had recommended the scale of Rs. 4000-100-6000 for all technical posts, ie, posts requiring Matriculation with some experience as minimum qualification.

(b) The said recommendation has been accepted by the Central Government and has also been implemented.

(c) Further, there is a post of Machine Operator redesignated as Offset Machine Man Grade I, carrying the pre-revised pay scale of Rs. 4500-125-7000 in the Government of India Press and work done by them is also Multi Colour Printing with similar qualification requirements.

(d) The post being held by the applicant and the functional responsibilities are comparable to that held by his counterpart in the Government of India Press. The scale of pay of the applicant is bound to be revised on both the counts (i) recommendations of the 5th Pay Commission as regards technicians and (ii) parity in employment.

7. Learned counsel for the respondent on the other hand reiterates the contentions made in the reply to the OA and stated that the Vth Pay Commission recommendation is specific to a few posts of Technicians on

the paramedical side and not for the posts in the printing presses in the Government. Further, the applicant has not put forth any relevant documents to prove the parity of scale with the post of Machine Operator under the Ministry of Communication or Urban Development. The contention of the applicant that the post of the applicant is identical with that of the post in the Pondicherry Government is also baseless. Learned counsel for the respondents would submit that the duties and responsibilities of the posts are different and even the experience required for recruitment are also different. He has prayed for dismissal of the OA.

8. We have carefully considered the rival contentions and perused the material on record.

9. The basis of the claim of the applicant for a higher scale for the post of Offset Machine Operator held by him is based on the recommendations of the V CPC and higher scale to his counterparts employed in the Central Government and Pondicherry Government. A glimpse at para 52.111 of the V Pay Commission Recommendation reflects that the recommendations pertain to paramedical posts, and as such, the same do not apply to the post of Offset Machine Man. As regards his request for revision of pay of the post of Offset Machine Operator in JIPMER, to Rs. 4500-7000 on par with Offset Machineman Grade I in Govt. of India Press, this again is untenable in as much as the post of Offset Machine Man in Government of India Press

cannot be equated with that of the applicant. As per the recommendation of the Vth CPC in para 52.111 of the report, the enhanced pay requested for, is applicable to staff recruited with Diploma qualification. Whereas, the applicant has been recruited as Offset Machine Operator with the qualification of Matriculation or equivalent and one year experience in operating Offset Machines. Hence, his request for revision of pay to Rs. 4500-7000 also cannot be acceded to and further no documentary evidence has been adduced to have a comparison of educational qualification, the extent of experience and the like. Mere nomenclature alone cannot justify identical pay scale.

10. Unless there are specific recommendations by the Pay Commission and the same has been accepted by the Government of India, the pay upgradation cannot be given. The contention of the applicant that the post of the applicant is identical with the post in the Pondicherry Government is without any basis as the Recruitment Rules of the post in Pondicherry are not identical. Further, the applicant has not put forth any relevant document to prove the parity of scale with the post of Machine Operator under the Ministry of Communication or Urban Development.

11. In the judgment of the Hon'ble Supreme Court in the case of UOI – Vs. V.V.Hariharan reported in 1997 3 SCC 568; 1997 SCC (L&S) 838 have been cited in which it was held that “the courts or Tribunals ought not to

interfere with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function. Change of Pay Scale of a category has a cascading effect, when several other categories similarly situated, which will lead to serious problems. Unless, it can be clearly brought out that they were carrying on identical work and there is a clear case of hostile discrimination, there would be no justification for interference with the fixation of pay scales.”

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

(T.Jacob)
Member(A)

(Jasmine Ahmed)
Member(J)

09.11.2018

SKSI