

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No. 2313/2013
MA No. 2537/2013**

New Delhi, this the 24th day of April, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. All India Central Ground Water Board
Employees Association
Through its Secretary General,
Bhujal Bhavan,
N.H. IV, Faridabad-121001.
2. Sri Ram Niwas Choudhary
President,
All India Central Ground Water Board
Employees Association,
Bhujal Bhavan,
N.H. IV, Faridabad-121001. .. Applicants

(By Advocate: Shri S. Sunil)

Versus

1. The Secretary,
Ministry of Water Resources,
Shram Shakti Bhawan,
Rafi Marg, New Delhi.
2. The Chairman,
Central Ground Water Board,
NH-IV, Faridabad,
Haryana. .. Respondents

(By Advocate: Shri Rajeev Kumar)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicants are working as Technical Operators (for short, TO) in the Central Ground Water Board (for short, CGWB).

The post with the same nomenclature exists in the Geological Survey of India (for short, GSI) also. The applicants contend that the V Central Pay Commission made recommendation to the effect that wherever the qualifications of Matriculation and ITI are stipulated for the post of TO, the existing pay scales of Rs.950-1500 attached to that post shall be revised to Rs.3050-4590 and that though such a facility was extended to the TOs in GSI, the same was not extended to the TOs in CGWB.

2. Reference is made to the correspondence that ensued at various levels in this behalf. Ultimately, it is complained that no concrete steps have been taken in that behalf. The O.A. is filed with a prayer to direct the respondents to remove the disparity in the pay scales for the post of TOs in the two organisations.

3. The respondents filed a counter affidavit opposing the O.A. It is stated that the proposal for removal of the disparity was mooted at different levels and points of time, but the same was not accepted by the Competent Authority in the Government.

4. We heard Shri S. Sunil, learned counsel for the applicants and Shri Rajeev Kumar, learned counsel for the respondents.

5. Basically, it is in the discretion of the Government to fix or to revise the pay scale for any post in its services. However, where the nature of duties and qualifications for appointment to any post

are similar, the fairness demands that the pay structure is also similar. The record discloses that the V Pay Commission made a recommendation for upgradation of the pay scale for the post of TOs from Rs.950-1500 to Rs. 3050-4590, whereas in the case of TOs in CGWB, it is maintained at Rs.2650-4000/-. It is not clear as to what happened in the two subsequent Pay Commissions.

6. In case, there existed any parity of pay scales for the post of TOs in CGWB on the one hand and in GSI on the other hand, at any point of time, the same needs to be maintained in the context of the revision also, particularly, if the condition of the recruitment are one and the same. However, that fact is to be verified and we do not find any clarity in this regard, as of now.

7. We, therefore, dispose of the O.A. by leaving it open to the applicants to make a representation pointing out the existence of parity of pay between the post of TOs in CGWB on the one hand and GSI on the other hand, at any point of time. If such a parity is shown to be existing at any point of time, the respondents shall consider the feasibility of maintaining the same in the subsequent revisions also, provided, the conditions for appointment are also similar. If the applicants make a representation within four weeks from today, the necessary orders thereon would be passed by the respondents within a period of two months therefrom. We make it clear that in the event of such parity being brought about, the

applicants shall be entitled to pay scale but not arrears. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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