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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2968/2003

New Delhi this the 19th day of July, 2004..

Hon'ble Sh. Shanker Raju, Member(J)
Hon'ble Sh. S.A. Singh, Member(A)

Sh. Rup Chand Hassija,
S/o late Hovna Ram,
R/o C-7/69, Lawrence Road,
Delhi-35. Applicant

(through Sh. Rajinder Nischal, Advocate)

Versus

1. Govt. of NCT of Delhi
through its Chief Secretary,
Delhi Secretariat,
I.P. Estate,
Delhi.
2. Union of India through
its Secretary,
Ministry of Home Affairs,
North Block, New Delhi. Respondents

(Present : None despite revised call)

ORDER (ORAL)

Hon'ble Sh. Shanker Raju, Member(J)

Heard the learned counsel of the applicant.
None for the respondents despite revised call. O.A.
stands disposed of under Rule 16 of CAT(Procedure)
Rules, 1987.

2. Applicant has impugned respondents' order
dated 29.8.2003 whereby his claim for parity of pay
scale with those of Post Graduate Teachers of
Directorate of Education has been turned down in
consultation with the integrated Finance Division of the
Ministry.

3. Applicant who is Lecturer in Commercial and Secretarial Institute (hereinafter referred to as "CSI") was at par in so far as pay scales are concerned upto Third Pay Commission. Their cases have not been considered by the Fourth and Fifth CPC. However, they had been given in situ promotion on 1.4.1991. The applicant states that his counterparts who are PGTs in Directorate of Education are getting the pay scale of Rs.2000-3500 whereas in his case it is being denied.

4. On representation, the Government of India Ministry of Home Affairs rejected the claim of the applicant, on the ground that the duties and responsibilities of CSI Teachers with those of Delhi School Teachers could not be compared.

5. In this backdrop, it is stated that though the duties and responsibilities attached to both the posts are identical, as such grant of different pay scale causes invidious discrimination which is violative of Articles 14 & 16 of Constitution of India.

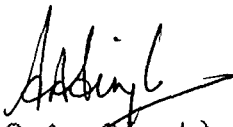
6. The respondents in their reply contended that the case of the applicant has already been considered, as his duties and responsibilities with those of School Teachers of Govt. of NCT could not be compared.

7. It is a trite law that in the matter of pay scales this Court cannot interfere in a judicial

review. The task is within the domain of the expert bodies like Fifth CPC. However, as Articles 14 & 16 of the Constitution of India are violated, the matter can be remanded back to the concerned appropriate authority for re-examination.

8. From the impugned order what transpires is that there has been no attempt to compare the duties and responsibilities of the applicant with those of PGT Teachers in Delhi Administration. In this view of the matter, rejecting the claim of the applicant without making any efforts to see whether discrimination is meted out to him cannot be countenanced.

9. In the result, OA is partly allowed. Impugned order is set aside and respondents are directed to constitute a Committee comprising of Secretary Home, a representative of the Ministry of Finance as well as an officer above the level of Additional Secretary from the Government of NCT to examine the parity as claimed by the applicant. In the event, recommendation is made, the follow up action shall be taken up. This exercise shall be completed within a period of six months from the date of receipt of copy of this order. No costs.


(S.A. Singh)
Member(A)


(Shanker Raju)
Member(J)