

(1992) 04 AHC CK 0104

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 23579 of 1989

Ashok Kumar Sharma and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 21-04-1992

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (1992) 3 AWC 1351

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : B.D. Mandhyan, for the Appellant;

Final Decision : Dismissed

Judgement

M. Katju, J.—Petitioners claimed that they are confirmed employees of the Government Printing and Stationary Press, U.P., Allahabad and they are working as Fitter Mechanic. By means of this writ petition they are claiming the same pay scale as Machine Men. It is alleged in the writ petition that while in the first and second pay commission report both the Fitter Mechanics and Machine Men were given the same pay scale, the third pay commission report has given a higher pay scale of Rs. 1200-1800 to Machine Men while the Fitter Mechanics have been given only the grade of Rs. 950-1500. It is also alleged that the job of the Fitter Mechanics and Machine men is similar and they should be given the same pay scale, and for this purpose this writ petition has been filed.

2. A counter affidavit has been filed in this case in which in para 7 it is stated that while the job of the mechanic is confined only to repairing a machine and removing certain defects, the job of Machine men is productive in nature by running the machine and producing certain things in the process In my opinion the job of a Mechanic cannot be equated to the job of Machine men. A person who repairs the machine, does not do the same work as the person who runs the machine. For example a pilot of an Aeroplane who flies the aircraft surely does not do the same work as the ground crew who repair the aircraft on the ground

and kept it in good condition. Similarly a driver of a motorcar surely does not do the same work as a garage mechanic. Thus it cannot be said that a fitter mechanic is doing the same job as a machine man. Hence Article 14 of the Constitution has no application.

3. In view of the above, there is no merit in the present case. The Writ Petition is accordingly dismissed.