

(2009) 11 DEL CK 0219

In the Delhi High Court

Case No : Writ Petition (C) No. 4224 of 1998

Dwarika Prasad Pant and Others

APPELLANT

Vs

Chief Secretary and Others

RESPONDENT

Date of Decision : 24-11-2009

Acts Referred:

Citation : (2009) 7 ILR Delhi 765

Hon'ble Judges : Mukta Gupta, J; Madan B. Lokur, J

Bench : Division Bench

Advocate : P.S. Bindra, for the Appellant; Ruchi Sindhwani, for the Respondent

Judgement

Madan B. Lokur, J.—The Petitioners are aggrieved by an order dated 29th May, 1998 passed by the Central Administrative Tribunal, Principal Bench in OA No. 2538/1992. The petitioners are working as tailors in Delhi Armed Police/Delhi Police. They made a claim for equal pay for equal work claiming parity with tailors working in the Delhi Administration, particularly the Directorate of Social Welfare.

2. The Tribunal noted the duties performed by the Petitioners as well as by tailors with the Delhi Administration. Thereafter, having discussed the case law, the Tribunal noted several distinguishing features between the nature of work done by the Petitioners and by tailors in the Department of Social Welfare as well as other qualitative differences.

3. The Tribunal noted in paragraph 6 of the recruitment are different; the qualifications for recruitment are different; the work experience required for appointment is different; the nature of the job is qualitatively different and the Petitioners are recruited to Group C posts. Noting all these differences the Tribunal found that the principle of equal pay for equal work would not be applicable to the facts of these the case.

4. Learned counsel for the Petitioners submitted that his clients' department had issued a letter on 28th May, 1980 to the effect that the Petitioners should be

given a better pay scale. While it may be so, this is really a matter that has to be considered by the Pay Commissions have looked in to the matter, namely, the 5th and 6th Central Pay Commissions. From the time when the latter dated 28th May, 1980 was written even the 4th Central Pay Commission had looked into the matter. None of these Pay Commission found it appropriate to grant to the Petitioners the same pay scale granted to tailors in the Delhi Administration. We may also note that it is stated by learned counsel for the Petitioners that a representation had been made before the 6th Central Pay Commission but this has not been accepted.

5. Learned counsel for the Petitioners submitted, relying upon Union of India (UOI) and Others Vs. Dineshan K.K., that in an appropriate case this Court can interfere and make a change in the pay scales. Of course, there can be no board dispute about this, but the Court must be very slow to do so.

6. Insofar as the present case is concerned, in view of the findings of fact arrived at by the Tribunal, we do not find it possible to interfere in the matter and to revise the pay scale of the Petitioners.

7. Learned counsel for the Respondents has drawn our attention to Ramesh Singh Vs. Union of India (UOI) and Others, where the very decision relied upon by learned counsel for the Petitioner has been referred to. In this decision, the Supreme Court noted that unless there is a challenge to the recommendations of the Central Pay Commission, no adequate relief can be granted. It has also been emphasized by the Supreme Court that even if such a challenge is made, the scope of interference is very limited because the Court does not normally substitute its view for that of an expert body like the Pay Commission, unless some glaring infirmities are established.

8. In the present case, as noted above, no glaring infirmities have been shown to us by learned counsel for the Petitioners. There is no merit in the write petition. Dismissed.