
(2002) 09 DEL CK 0297

In the Delhi High Court

Case No : Civil Writ Petition No. 5549 of 2002

Gulab Bhati

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 20-09-2002

Acts Referred:

Citation : (2002) 09 DEL CK 0297

Hon'ble Judges : R.S. Sodhi, J;A.D. Singh, J

Bench : Division Bench

Advocate : Ranbir Yadav and Ajay Kumar, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

R.S. Sodhi, J.—The petitioner challenges the judgment and order dated 4.4.2002 of the Central Administrative Tribunal, Principal Bench, (for short "the Tribunal"). The case of the petitioner before the Tribunal was that pursuant to an advertisement for the post of Research Assistant (German) the petitioner applied. He was appointed against one of the three posts on ad-hoc basis which appointment was extended from time to time. No separate recruitment rules for these posts were made. On 13.12.1985, the petitioner moved O.A. No. 39/85 for regularisation of his services which was allowed vide order dated 13.11.1992. In this order it was held that the post of Research Assistant (German) was analogous to the post of Research Assistant (Hindi) for which recruitment rules were in existence. The petitioner was directed to be regularised with effect from the date of his ad-hoc appointment in consultation with the UPSC and on evaluation of ACRs. This order was given effect to and the petitioner was regularised as Research Assistant (German) in the pay-scale of Rs. 1640-2900. The petitioner raised no objection to the fixation of pay-scale at any time on being regularised. However, by representation dated 12.11.1997 he stated that the Fifth Pay Commission had placed Research Assistant (Hindi) in the pay-scale of Rs. 2000-6500, revised to Rs. 6500-10500 and accordingly he had also been

placed in the pay-scale of Rs. 2000-6500, revised to Rs. 6500-10500 which was grossly unjust as the work done by the petitioner was different and that the petitioner worked in the capacity of a foreign language Research Assistant. He claimed a higher grade on the basis of his qualification. The petitioner filed O.A. No. 2053/2000 challenging the orders dated 16/19.6.1998 and 30.7.1998 in which an order was made directing the respondents to dispose of the petitioner's representation by a speaking order. Pursuant to the above order, the respondents disposed of the representation of the petitioner vide order dated 4.1.2000. This order dated 4.1.2000 was challenged by the petitioner in C.P. No. 183/2000 alleging that the respondent had disobeyed the order dated 19.10.2000 passed in O.A. No. 2053/2000. The aforesaid C.P. No. 183/2000 was dismissed after giving the petitioner opportunity to agitate his grievances in accordance with the rules and law. Thereafter, the petitioner filed another application being O.A. No. 1670/2001. The learned Tribunal noted the contention that while those with B.A. Degree at entry level in the relevant foreign languages were enjoying higher pay-scale, the petitioner with Master's degree was in an inferior scale. The petitioner contended that others are engaged only in bilingual translation/typing work while the petitioner was engaged in a highly academic bilingual research work and was entitled to the pay-scale equivalent to them. The contention of the petitioner did not find with the learned Tribunal which dismissed the O.A. vide order dated 4.2.2000. Aggrieved thereof, the petitioner has moved the present writ petition.

2. It may be pointed out that the finding of the Tribunal in O.A. No. 39/1985 to the effect that the post of Research Assistant (German) is analogous to the post of Research Assistant (Hindi), has not been challenged. Even otherwise, the post of Research Assistant (German) cannot be equated with the posts of translators, interpreters, tutors, instructors, examiners, editors, advisers etc. for these posts are different in duties and responsibilities, nature of work etc. The claim of the petitioner to equal work and equal pay cannot be acceded to since the posts are not similar. Further the contention of the petitioner that the post that carry a higher pay-scale require bachelor degree in a foreign language as entry level qualification while the petitioner possesses a Master's degree, is of no avail. It is well settled that the qualification at the entry level is the only relevant factor while fixing pay-scale in a service. He find the reasoning of the learned Tribunal to be sound. Consequently, we decline to interfere with the order of the Tribunal in our writ jurisdiction. The petition fails and is dismissed.