

(2013) 01 DEL CK 0108

In the Delhi High Court

Case No : Writ Petition (C) No. 1754 of 1997

Mr. Mohd. Ghayasuddin Khan

APPELLANT

Vs

Jamia Millia Islamia and Another

RESPONDENT

Date of Decision : 15-01-2013

Acts Referred:

Citation : (2013) 01 DEL CK 0108

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : N. Safaya, for the Appellant;

Final Decision : Dismissed

Judgement

Valmiki J Mehta, J.—The subject writ petition has been filed by the petitioner who is a Lab Technician in the respondent No. 1/Jamia Millia Islamia. The petitioner is a Lab Technician working in the Department of Engineering and Technology. The petitioner states that Lab Technicians in the Department of Engineering and Technology are only getting the pay scale of Rs. 1200-2040/- whereas Lab Technicians in the Department of Mass Communication and Research Centre of the respondent No. 1 University are getting pay scale of Rs. 1400-2300/- as per AICTE norms and therefore the petitioner should also be entitled to the same pay scale as those of a Lab Technician in the Department of Mass Communication and Research Centre. On behalf of the petitioner, attention of this Court is invited to Annexure-C being office order of the respondent No. 1 to show that with respect to Computer Operator in the Department of Civil Engineering, Faculty of Engineering and Technology pay scales have been given as per AICTE norms though the respondent No. 1 (a Central University) in the counter affidavit has alleged that payment to all employees by the respondent No. 1-University is on the basis of UGC/Ministry of Human Resources Development norms. Learned counsel for the petitioner has also invited the attention of this Court to a chart of AICTE pay scales at page 27 of the paper book which contains estimates of staff salaries suggested by AICTE, and parity with which is claimed by the petitioner.

2. The basis of claim "equal pay for equal work" by the petitioner who is a Lab Technician in the Department of Engineering and Technology with equivalent pay scale for a Lab Technician in the Department of Mass Communication and Research Centre of the respondent No. 1 is liable to fail for the following reasons:-

(i) The petitioner has not given anything in the writ petition as to how qualification for a Lab Technician working in the Department of Mass Communication and Research Centre is the same as that of Lab Technician in the Department of Engineering and Technology.

(ii) The petitioner has also failed to give the scope of duties of a Lab Technician in the Department of Mass Communication and Research Centre of the respondent No. 1 as compared to those of a Lab Technician in the Department of Engineering and Technology for the same to be equated in order to apply the principle of "equal pay for equal work".

(iii) The petitioner claims that respondent No. 1 must follow the staff salaries prescribed for a Lab Technician at page 27/Annexure-I of the writ petition, however, the petitioner has failed to file as to what are the qualifications which are required for a Instructor/Lab Technician as prescribed by AICTE in the estimates so given of staff salary, inasmuch as it is only if the qualification of a Instructor/Lab Technician mentioned at page 27 of the writ petition are the same as a Lab Technician of a Department of Engineering and Technology in the respondent No. 1-University, only then question will arise of parity of treatment.

3. I must also note that counsel for the petitioner has failed to point out to me as to how the respondent No. 1 is mandatorily bound by any circulars of AICTE for giving the pay scale of an Instructor/Lab Technician and on the contrary, the respondent No. 1 with the counter affidavit has filed a letter dated 8.12.1998 as Annexure-R5 of the AICTE that the recommendations by the AICTE of pay scale is only for the teaching faculty, Librarians and Physical Education Directors and not for the non-teaching technical staff. Admittedly, the petitioner is not in the teaching faculty or a Librarian or Physical Education Director. Therefore besides the fact that the petitioner has failed to point out any mandatory requirements for following of AICTE guidelines, he in any case cannot get the benefit for a non-teaching technical staff and so clarified in Annexure R-5 to the counter affidavit.

4. It may also be noted that respondent No. 1 in its counter affidavit has stated that respondent No. 2/AICTE in its circulars have specifically stated that what is given is only a model pay scale of a model employer, however, the pay scales may automatically vary as per specific conditions of each University/employer and therefore once the petitioner fails to point out anything specific as to the mandatory requirement to necessarily follow AICTE guidelines for pay scales, the petitioner cannot claim benefit of AICTE circulars inasmuch as the same are only in the nature of directory recommendations.

5. In view of the above, I do not find any merit in the writ petition, which is

accordingly dismissed, leaving the parties to bear their own costs.

C.M. No. 11994/1998 (under Section 151 CPC by petitioner)

Dismissed as not pressed with liberty to the petitioner to file appropriate independent proceedings, if available, in accordance with law.