

investigators Association, Dda Vs. Delhi Development Authority

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Court : Delhi

Decided On : Nov-11-1998

Reported in : 1998VIIAD(Delhi)527; 76(1998)DLT801; 1998(47)DRJ709

Judge : Vijender Jain, J.

Acts : [Constitution of India, 1950](#) - Article 226

Appeal No. : CWP No. 48 of 1987

Appellant : investigators Association, Dda

Respondent : Delhi Development Authority

Advocate for Def. : Ms. Ansuya Salwan, Adv.

Advocate for Pet/Ap. : Mr. S.K. Kaul, Adv

Judgement :

ORDER

Vijender Jain, J.

1. This writ petition has been filed by the Investigators Association in its representative capacity seeking to challenge denial of application of the principle of 'equal pay for equal work'.

2. It has been contended before me by the learned counsel appearing for the petitioners, Mr.S K Kaul, that the members of the petitioners has been discriminated in their scales of pay with Investigators called by different designations in various Department of the Central Government as well as Field Investigators serving with the respondent. It was contended that the petitioners were being paid in the initial pay scales of Rs.330-560 whereas Field Investigators with the respondent-Delhi Development Authority (for short 'DDA'), who were performing the same duties as that of the petitioners were in the pay scale of Rs.425-700/800. It was contended that for the purpose of preparing the Second Master Plan, advertisements were issued by the respondents from time to time for filling up the posts of Field Surveyors, Field Supervisors and Field Investigators. It was further contended that vide Resolution No.86 dated 21.8.1979 the recruitment rules for the purpose of Field Investigators were approved and appointments to the posts were made by direct recruitments. However, prior to this recruitment rules came into force, the posts of Field Investigators were in existence. Later on, the posts of Assistant Field Investigators created a disparity among the Field Investigators internally in terms of pay scales. The duties and responsibilities of the Investigators were not enunciated in the recruitment rules. It has been contended before me that nature and duties of the Field Investigators and Assistant Field Investigators were similar.

3. In the counter affidavit filed by the respondent it has been admitted that the duties and responsibilities of the Investigators were not mentioned in the recruitment rules, however, respondent has denied that the responsibilities and duties are of similar nature. The stand of the respondent in the counter affidavit is that the work done by the Field Investigators was of high responsibilities as compared with the Assistant Field Investigators.

4. On the other hand, learned counsel for the petitioner has contended that the qualification required for the post of Assistant Field Investigator in the DDA were higher than those required for the post of Field Investigator in other Organisations. Learned counsel for the petitioner has also relied upon the recommendations of the Fair Wager Committee in support of his arguments. Mr.Kaul has further contended that the respondent had revised the salaries of its employees of

different cadres on pattern of Central Government Services rules and regulations and quoted the examples of Draftsmen Grade I, II and III, Legal Assistant and Electricians. Mr.Kaul has also contended that, as a matter of fact, respondent has also taken these two posts of Assistant Field Investigator and Field Investigator as same as they have been interchanging the same and in this regard has filed on record an Office Order dated 27.5.1987, which is at page-289 of the paper book, where Field Investigator Shri Lakhi Ram, working at transit camp, Raghunagar, was proceeded on leave and in his place, Shri K P Malik, Assistant Field Investigator was posted to work and different other similar orders were also placed on record to show that the nature of work and duties of Assistant Field Investigators and Field Investigators were similar.

5. My attention has also been drawn to a noting of Joint Director (P II) dated 14.3.1996, which states that the duties and responsibilities of Field Investigators and Assistant Field Investigators are same and equal and all the Field Investigators and Assistant Field Investigators report directly to RO/Deputy Director concerned. Similar was the response from various other Departments where these Field Investigators and Assistant Field Investigators were working. It is the case of petitioners that they have been representing to respondent since 1985 that their pay scales be made identical as that of Central Government Departments. Aggrieved by nonaction of respondent in granting equal pay for equal work, petitioners have filed present writ petition.

6. It seems that the petitioners approached the Supreme Court by filing a writ petition bearing No.1415/86 wherein the Supreme Court permitted the petitioner to withdraw the writ petition filed before it with liberty to move the High Court and that is how the petition was filed in this Court. As a matter of fact, this Court on 27.10.1988 taking into consideration the reply filed by respondent ordered that there was no specific denial of the averments made by the petitioners and further recorded the statement of the respondent that a Departmental Committee was set up to consider the question of revision of pay scales of Field Investigators and the question giving parity to the petitioner with other Field Investigators working in the Central Government was under active consideration of the Departmental Committee. It was further recorded in the said order that the counsel for the

respondent did not dispute that the principle of 'equal pay for equal work' must apply and if the other Central Government Field Investigators in the other departments of Central Government doing the same type of work were getting higher wages the petitioners must also get the same pay scales.

On 30.1.1990 this Court again recorded :-

'.....Taking into consideration the order referred to above and the Recruitment Rules which indicate that the posts of Assistant Field Investigator in the Departments of Central Government and State Governments are similar to the ones in the Delhi Development Authority.....'

7. However, nothing has been done by the respondent till date. on 11.7.1995 the Court directed the respondent to produce the report of the Departmental Committee, who was looking into the question of giving parity in the pay scales, but nothing has been produced by respondent till date.

8. It seems that in 1993 a Committee was constituted for upgradation of Assistant Field Investigators to the posts of Field Investigators and certain recommendations were made and it was, inter alia, recommended to upgrade the Assistant Field Investigator's post into that of Field Investigator in the pay scale of Rs.1400-2300, equivalent to Assistant. It was further recommended that for utilising their knowledge, they should be treated at par of the feeder sources for promotion to the post of Superintendent (Scale Rs.1640-2900) and their quota was to be fixed in the ratio in which the Field Investigators strength will be in proportion to the strength of Assistants. It seems that these recommendations fell on deaf ears. It is admitted in the additional affidavit filed by the respondent on 22.3.1996 that in the Central Government offices under the Ministry of Urban Development, the post of Investigator exists in scale of Rs.1400-2300 and the said post is equivalent to the post of Field Investigator in the DDA.

9. That being the case, it does not stand to reason as to why respondents are denying equal pay for equal work to members of petitioners organisation. It is not disputed that the work done by the Assistant Field Investi-gators are similar to the work done by Field Investigators. It is also not disputed that both Assistant Field

Investigators and Field Investigators are interchangeable. It is also admitted that in 1993 a Committee of the respondent itself has recommended grant of equal pay to Assistant Field Investigators as that of Field Investigators. On account of nomenclature of the post as Field Investigator, the work done by the Assistant Field Investigators does not disentitle them to draw less pay scale than that of Field Investigators.

10. In view of the material placed on record and in view of the admitted position of the parties that work is of similar nature, in view of the fact that various responses from various Departments of Central Government in terms of the directions passed by this Court, inter alia, stating that work of the Assistant Field Investigators are similar to that of Field Investigators, as will be borne out from pages 289 to 293 of the paper book, I allow the writ petition. Rule is made absolute. Respondent is directed to revise the pay scales of the Assistant Field Investigators at par with that of Field Investigators. Mr.Kaul has contended that petitioners may be granted this benefit from the date they have approached Supreme Court in the year 1986 for the arrears of said revision in their pay scales. The petitioners have filed the present writ petition in this court in January'1987. Petitioners would be entitled for the arrears from the date of instituting the present writ petition in this court. However, petitioners shall be entitled for their notional promotion in the cadre in view of the revision of pay scale from the date of their initial appointment. The petitioners shall also be entitled to further revision in their pay scales in terms of subsequent Pay Commissions recommendations.

There will be no order as to costs.