

K.P. Grover and ors. Vs. the Indian Road Construction Corpn. Ltd.

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Court : Delhi

Decided On : Oct-16-1998

Reported in : 1999(48)DRJ270

Judge : K. Ramamoorthy, J.

Acts : Service Law

Appeal No. : CW. No. 2179 of 1996

Appellant : K.P. Grover and ors.

Respondent : The Indian Road Construction Corpn. Ltd.

Advocate for Def. : V.K. Shali, Adv.

Advocate for Pet/Ap. : Kukul Rohtagi, Senior Adv. and; Maninder Acharya, Adv

Disposition : Petition allowed

Judgement :

K. Ramamoorthy, J.

1. The petitioners 55 in number have prayed for the following reliefs:-

'In view of the aforesaid, and in the interest of justice, it is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue a writ, order

and/or direction in the nature of;

(i) certiorari/for quashing the letter/communication dated 26th April, 1991, by way of which the respondent No. 1 has refused to implement the re-revised pay scale of Rs. 1640-2900 in the case of the petitioners by stating that the revision of this case arc not applicable to the petitioners:

AND

(ii) mandamus thereby directing the respondents to forthwith grant/implement the re-revised pay scale of Rs.1640-2900 for Assistants redesignated as Senior Accountants, Senior Assistants and PA/Senior Stenographers in Indian Road Construction Limited i.e., respondent No.1 with effect from January 1, 1986.'

2. The case of the petitioners could be stated briefly in the following terms:

3. The first respondent company is a public sector undertaking. The petitioners claim re-revised pay scale of Rs.1640-2900 for the posts of Senior Accountants, Senior Assistants, PA/Senior Stenogrpahers. It is stated in paragraph 9 of the writ petition that in the following organisations, the re-revised scales had been accepted and implemented:-

'(a) University Grants Commission.

(b) Indian Council of Agricultural Research.

(c) Indian Council of Medical Research.

(d) Jawahar Lal Nehru University.

(e) Indira Gandhi Open University.

(f) Central Bureau of Investigations.

(g) Border Security Force.

(h) Rajya Sabha.

(i) Lok Sabha.

(j) Central Administrative Tribunal, etc. etc.'

4. In paragraph 10 of the writ petition, it is stated that:

'That it is pertinent to mention here that the Assistants as well as the PA/Senior Stenographers continue to languish under the pre-revised scale of Rs.1400-2600 in the instant case. It may be clarified here that prior to the revision of pay scales by the Fourth Pay Commission, the Assistants and the Senior Stenographers employed in respondent No.1 Corporation used to draw the pay scale of Rs.425-15-500-55-560-20-700-EB-25-800. The said pay scale was revised to Rs.1400-40-1600-50-2300-EB-60-2600, on the recommendation of the Fourth Pay Commission with effect from January 1, 1986 which is presently the pay scale of Assistants and Stenographers in the respondent No.1 Corporation.'

5. The Ministry of Personnel(Public Grievances and Pensions), Department of Personnel & Training, Government of India, by its letter dated the 31st of July, 1990 had re-revised the pay scales which were being paid to the Assistants and the Senior Stenographers after the implementation of the Fourth Pay Commission w.e.f.1. 1.1986. The pay scale for the posts of Assistants(redesignated as Senior Accountants), Senior Assistants and PA/Senior Stenographers stands revised as Rs.1640-60-2600-EB-75-2900. This scale which stands revised by Office Memorandum dated the 31st of July, 1990 is uniformly adopted and implemented by majority of the Departments of Government of India. According to the petitioners, the first respondent being a public sector undertaking under the control of the Government of India, is bound to follow the same pay scale for the same kind of posts performing exactly similar duties and holding similar responsibilities.

6. The first respondent by letter dated 26th of April, 1991 had declined to implement the revised pay scale. The petitioners seek quashing of the said letter and, hence, issuing of a mandamus for the grant of re-revised pay scale of Rs. 1640-2900 to the petitioners. The letters dated the 26th of April, 1991 reads as under:-

'With reference to your letter No.IREWU/90-91/II, dated 8-10-90, this is to inform you that the matter regarding revision of scales of pay of Asstt and Grade 'C' Stenographers who were in the pre-revised scales of Rs.425-800 was under consideration with the DPE for sometime past.

2. It has now been clarified by DPE vide their letter No.3(28)/90-DPE(WC) dated 07-03-91 that the revision of these scales are not applicable to the employees of PSUS.'

7. The respondents have taken the stand that the petitioners are not entitled to the pay scale of Rs.1640-2900. The post on which pay scales fixed by the first respondent company is different, and therefore, the petitioners cannot seek for a writ of mandamus. The judgment in CW.No.3790 of 1995 titled as 'Shri B.C.Pant and Ors. Vs Sangeet Natak Akademi' delivered today would govern this case. However, Mr.V.K.Shali, the learned counsel for the respondents, relying upon the judgments of the Supreme Court in 'State of UP and Ors. v. Ministerial Karamchari Sangh', : AIR 1997 SC4280 'State of UP and Ors. v. J.P.Chaurasia and Ors.', AIR 1989 SC 19; 'Umesh Chandra Gupta and Ors. v. Oil & Natural Gas Commission and Ors.', : (1989)ILLJ74SC 'Mewa Ram Kanojia v. All India Institute of Medical Science and Ors.', 1989 SC 1256 'V. Markendeya and Ors. v. State of Andhra Pradesh and Ors.', : (1989)ILLJ169SC and 'Secretary, Finance Department and Ors. v. West Bengal Registration Service Association and Ors.', : [1992]1SCR897 , contended that the petitioners are not similarly situated with the employees in the other undertakings and the petitioners based their claim on the doctrine of 'equal pay for equal work' and that doctrine is not applicable to the facts of this case.

8. This Court while deciding the CW.No.3790 of 1995 titled as 'Shri B.C.Pant and Ors. Vs Sangeet Natak Akademi' had taken into consideration all aspects and had followed the judgments rendered in similar matters. The ratio decidendi laid down in the cases referred to above by Mr.V.K.Shali, the learned counsel for the respondents, would not at all apply to the facts of this case. Accordingly, the writ petition is allowed. The letter dated the 26th of April, 1991 stands quashed.

9. The respondents are directed to give the petitioners the pay scale of Rs.1640-60-2600-EB-75-2900 w.e.f. 1.1.1986 without the obligation to pay interest on the

arrears and the respondents shall make the payment on or before the 31st of March, 1999.

10. There shall be no orders as to costs.

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