

(1996) 01 SC CK 0234
Supreme Court of India
Case No: SLP (C) No. 20619 Of 1996

Union of India (UOI) and Another

APPELLANT

Vs

Rajendra Singh Rajput

RESPONDENT

Date of Decision: Jan. 2, 1996

Citation: (1998) 3 LLJ 933 : (1997) 10 SCC 384

Hon'ble Judges: S. C. Agrawal, J; G. T. Nanavati, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

S.C. Agrawal and; G.T. Nanavati, JJ.-Delay condoned.

2. Special leave granted.

3. This appeal is directed against the judgment dated 19-12-1994 passed by the Central Administrative Tribunal, Cuttack Bench (hereinafter referred to as "the Tribunal") in OA No. 182 of 1993 filed by the respondent.

4. The respondent was employed as Junior Engineer (Mechanical) in the Dandakaranya Project since 29-9-1983. He was originally in the scale of Rs 425-640 which was revised to Rs 1400-2300 with effect from 1-1-1986. He filed a petition before the Tribunal (being OA No. 74 of 1990) for being placed in the pay scale of Rs 1640-2900 on the ground that Junior Engineers in the Central Public Works Department (for short "CPWD") were getting that scale and that the duties and responsibilities of Junior Engineers in Dandakaranya Project were at par with those of the Junior Engineers in the CPWD. By judgment dated 8-8-1991, the Tribunal directed that the pay of the respondent be revised to Rs 1640-2900 with effect from 12-10-1989 and on that basis the pay of the respondent was revised by order dated 23-3-1992. In the CPWD Junior Engineers/Section Officers (Horticulture) who could not be promoted to the post of Assistant Engineer/Assistant Director (Horticulture) in the scale of Rs 2000-3500 due to non-availability of vacancies in that grade are allowed the scale of Assistant Engineers/Assistant Directors (Horticulture), i.e., Rs

2000-3500 on a personal basis after completion of 15 years of total service. The respondent filed a second petition before the Tribunal (OA No. 182 of 1993) that has given rise to this appeal, seeking the pay scale of Rs 2000-3500 on the ground that he is entitled to the said pay scale as he had completed 15 years of service in the cadre of Junior Engineers on 8-3-1991. The said application has been allowed by the Tribunal by the impugned judgment. The Tribunal has held that since the respondent had been given the same pay scale as is given to the Junior Engineers in the CPWD by order dated 8-8-1991, he is entitled to the higher pay scale of Rs 2000-3500 which is available in CPWD.

5. The learned Additional Solicitor General has urged that the Dandakaranya Project was set up for temporary period to look after the settlement of displaced persons and that after the settlement of the families of 25,000 displaced persons by 1990, the entire work relating to settlement has been completed and the Project has now been wound up. It has been submitted that the respondent is continuing on the post of Junior Engineer for want of vigilance clearance required for his nomination to surplus cell and that in these circumstances the benefits which are available to the Junior Engineers in the matter of upgradation in the CPWD cannot be extended to the respondent. The learned counsel for the respondent has, however, submitted that so long as the respondent continues on the post of Junior Engineer in the Dandakaranya Project, he is entitled to be treated on the same footing as the Junior Engineers in the CPWD and he should also be extended the benefit of the upgraded pay scale of Rs 2000-3500 which is given to the Junior Engineers in the CPWD after completion of 15 years of service as Junior Engineer.

6. In our opinion, the contention urged by the learned Additional Solicitor General must be accepted. In the first place, the Dandakaranya Project was a temporary establishment and is now being wound up and the respondent is to be declared surplus and would be employed in some other post. He cannot claim the benefit of the upgraded scale that is available to Junior Engineers in the CPWD. Moreover, merely because under order dated 8-8-1991, the respondent was given the pay scale of Rs 1640-2900 on the basis of the principle of "equal pay for equal work" cannot mean that the respondent is also entitled to claim the benefit of the upgraded scale of Rs 2000-3500 which is available in CPWD only having regard to the conditions in that department and is not applicable to Junior Engineers in other departments of the Central Government. The respondent could not, therefore, be extended the benefit of pay scale of Rs 2000-3500 on the ground that he has completed 15 years of service as Junior Engineer.

7. For the reasons aforementioned, we are unable to uphold the judgment of the Tribunal. The appeal is accordingly allowed, the impugned judgment dated 19-12-1994 passed by the Tribunal is set aside and OA No. 182 of 1993 filed by the respondent is dismissed. No order as to costs.