

Supreme Court of India

National Museum Non-Gazetted ... vs Union Of India (Uoi) And Ors. on 10 February, 1988

Equivalent citations: 1988 (36) BLJR 499, JT 1988 (1) SC 495, 1988 Supp (1) SCC 673

Author: R Misra

Bench: M Venkatachaliah, R Misra, S Natarajan

ORDER Ranganath Misra, J.

1. Petitioners are Gallery-attendants of the National Museum located at New Delhi. In this application under Article 32 of the Constitution they have alleged discrimination so far as their service conditions are concerned by contending that they are equal in every respect with record-attendants in the National Archives also located at New Delhi in the close proximity of National Museum; yet in regard to pay and allied conditions of service, discrimination has been made in the report of the Fourth Pay Commission and they are prejudiced on that account.

2. Rule was issued and the respondents were called upon to file their return. Several adjournments have been given to enable the Union of India to file its counter affidavit. In spite of repeated adjournments no reply has been filed. In the circumstances we are left with no option but accept the factual allegations of the petitioners. The qualification for the job, nature and conditions of work prescribed for Gallery-attendants and Record-attendants in the two institutions are the same. The Fourth Pay Commission has given benefits confined to the Record-attendants while the claim of the Gallery-attendants has not been taken into account.

3. In addition to the pleading of the petitioners, this fact has been specifically stated in the letter of the Director of the National Museum sent to the Administrative Department and the petitioners have produced two communications of the Director as annexure to the writ petition. These letters do support the claim of the petitioners. Petitioners are justified to claim equal pay for equal work. We are, therefore, of the view that the petitioners are entitled to the same scale of pay and other service benefits as of the Record-attendants in the National Archives.

4. A direction shall issue to the respondents to equate the service conditions of the petitioners with those of the Record-attendants of the National Archives within three months hence, with effect from 1st April, 1988. The petitioners are entitled to the costs of the petition. Hearing fee is assessed at Rs. 2,500/-.