

Supreme Court of India

University Grants Commission vs Kedarnath Ram And Ors. on 27 July, 1993

Equivalent citations: (1994) ILLJ 959 SC, 1994 Supp (3) SCC 685

Author: P Sawant

Bench: P Sawant, B J Reddy

ORDER P.B. Sawant, J.

1. Leave granted in S.L.P. (C) No. 7610/1993.

2. These appeals and cross appeals arise out of the order passed by the High Court on May 20, 1988 in W.P. No. 16547 of 1984 and two review orders dated November 1, 1988 and January 19, 1990 arising out of the said order.

3. To understand the dispute raised by the writ petitioners before the High Court, it is necessary to note that there are four categories of employees in Banaras Hindu University which is the 2nd respondent in C.A. Nos. 2065-67 of 1991 and is the appellant in Civil Appeal No. (Nil)/1993a rising out of S.L. P.(C) No.7610 /1993. These categories and their pay-scales at the relevant time were-

1. Assistant/Helpers (Junior Workshop Senior Assistant)-Rs. 260-400/-

2. Semi-Skilled (Senior Workshop Assistant) -Rs. 330-56/-

3. Skilled (Workshop Mechanic)-Rs. 425-700/-

4. Highly Skilled (Senior Workshop Mechanics)-Rs. 425-700/-

4. There is no dispute that the job of a Mechanic is highly skilled and there is no comparison between the work of the Mechanic and that of the Assistant/Helper. Out of the 7 petitioners before the High Court, four were placed in the pay-scale of Rs. 250-400/-. The rest three were in the pay-scale of Rs. 330-560/-. Three of them were designated Assistant to Blacksmith or Assistants to Mechanics and four as Carpenters. It appears that the writ petitioners claimed before the High Court emoluments equal to the emoluments of the Mechanics on the ground of equal pay for equal work alleging that they were doing the same work as that of the Mechanics. The High Court held that since they were helping the Mechanics, they could not do so unless they knew the job of the Mechanics. On this reasoning, the High Court by its judgment dated May 20, 1988 granted the same scale of pay to petitioners as available to the Mechanics, i.e. , Rs. 425-700/-. The High Court further directed that this pay-scale should be given to the petitioners with effect from July 1, 1986. The petitioners thereafter filed a review petition before the High Court claiming salary on that scale from the date of their appointment which was in the year 1968. By its judgment dated November 1, 1988, in the Review Petition, the High Court directed payment of the said pay-scale with effect from March 20, 1984 by modifying its earlier order of the payment of the same pay scale from July 1, 1986. The petitioners were not satisfied and they filed yet another review petition again making the same claim, namely, that they should be paid salary from the date of their initial appointment in the University. By its decision dated January 19, 1990, the High Court dismissed the said review

petition. The writ petitioners have filed the three appeals, viz., C.A. Nos.2065-67 of 1991, against the said three decisions of the High Court, and the respondent-University Grants Commission in turn has filed three appeals being C. A. Nos.4229-31/1991 and the Banaras Hindu University has filed C.A. No. (Nil)/1993 arising out of S.L.R. (C) No. 7610/1993.

5. We do not agree with the reasons given by the High Court for equating the pay-scale of the petitioners with that of the Mechanic. It is suffice to say that if that reasoning is accepted, the nurses will have to be paid the same salary as is paid to the doctors whom they assist. However, it appears that pursuant to the decision of the High Court dated May 20, 1988, the University Grants Commission released the grants and the University paid the salary to the writ petitioners on the scale given by the High Court and they have been enjoying the same scale of pay as that of the Mechanics till date.

6. There is some dispute before us as to from which date the qualifications for the different posts were prescribed by the University Grants Commission. According to the employees, the qualifications came to be prescribed for the first time since January 1, 1973. According to the University Grants Commission, they were prescribed with effect from the April 1, 1968. However, that controversy has now become irrelevant for the purpose of the present appeals since whatever the date from which the qualifications were prescribed, employees have been paid the pay scale in question with effect from July, 1, 1986 till date. The learned Counsel for the employees also informs us that the employees have also been paid the revised salary on the basis of the salary of the Mechanics.

7. Since the employees have been paid the pay-scale of the Mechanics and the consequential benefits till date, we direct that all the monetary benefits the employees might have derived till date and that they may be granted till July, 31, 1993 on the basis of the pay-scale of the Mechanics, will not be recovered from them. So also, if the employees have been promoted to the higher post/s such promotions will not be disturbed. The employees will continue to get the pay-scale of the category or posts which they are occupying at present. However, if they are not promoted to any post from the post of the Helpers or Assistants-to Mechanics to which posts they were initially appointed in the scale of Rs. 260-400/- or Rs. 330-560/- as the case may be, they would continue to get the said pay-scale or the further revisions thereof in the meanwhile from August 1, 1993. They would be entitled to the pay-scale only of that post/category as the case may be and not to the pay-scale of the Mechanic. Civil Appeals Nos. 2065-67/ 1991 are dismissed and the cross appeals of the U.G. C. being Civil Appeals Nos.4229-31/1991 and the Appeal of the University are allowed accordingly. In the circumstances of the case, there will be no order as to costs.