

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17920-2016 (O&M)

Date of Decision: January 11, 2017

Rakesh Yadav and another

.....Petitioners

Versus

Central Administrative Tribunal and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Barjesh Mittal, Advocate
for the petitioners.

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SURYA KANT, J.

CM-10629-2016

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions. Annexure P-7 is taken on record.

CM stands disposed of.

CWP-17920-2016

The petitioners were working as Assistant and Accountant
respectively in the National Oil Seeds and Vegetable Oil Development
Board (NOVOD) (for brevity, 'the NOVOD Board'). The Board was set up
under the National Oilseeds and Vegetable Oils Development Board Act,
1983. The said Act has since been repealed in entirety and consequently the
Board has been abolished by Government of India, Ministry of Law and

surplus.

[2] While the NOVORD Board was still in existence, the petitioners approached the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for brevity, 'the Tribunal') seeking a direction to the NOVORD Board to grant them the higher revised pay scales as were granted to their counter-parts in the Central Government on the recommendations of the 4th Central Pay Commission.

[3] The Tribunal has turned down the petitioners' claim holding that the NOVORD Board is an autonomous body and unless it adopts the pay scales formulated by Central Government for its employees, the petitioners cannot claim parity.

[4] We have heard learned counsel for the petitioners and gone through the record.

[5] It is undeniable that in the NOVORD Board, service conditions of the petitioners were governed under the Statutory Regulations formulated by the Board. The petitioners were recruited after those Regulations came into force. Their posts alongwith pay scales were duly created under those Regulations. The petitioners were admittedly granted the same pay scale as was prescribed under the Regulations.

[6] The relief which petitioners sought from the Tribunal, in a way, amounts to seeking a direction for the amendment of statutory Regulations, namely, relief which ordinarily the Courts are not clothed with such powers. Secondly, no conscious decision was ever taken by the NOVORD Board to equate the petitioners' posts at par with their counter-parts in the Central Government. If there is such a decision, then only the parity can be sought.

In the absence thereof, the petitioners cannot claim similar pay scales to those in the Central Government on the premise that nature of duties or nomenclature of their posts are identical. No case to interfere with the order under challenge is made out.

[7] Dismissed.

**(SURYA KANT)
JUDGE**

January 11, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |