

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.04.2019

PRONOUNCED ON :12.04.2019

CORAM

THE HON'BLE Mr. JUSTICE M.VENUGOPAL

And

THE HON'BLE Mr. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.19335 of 2015 and

M.P.No.1 of 2015

1.Karaikal Government ITI Instructor Association,
Labour Department,
Government ITI (Men)
T.R.Pattinam, Karaikal 609 606.
Union Territory of Pondicherry,
Rep. By its President,
G.Counassengarane @ Arul Jothy,
S/o. Gnaneswaran,
No.36, Singaravelanar Street,
Karaikal - 609 602.

2.G.Gowthaman

... Petitioners

V.

1. The Central Administrative Tribunal,
Rep. By its Registrar,
High Court Buildings,
City Civil Court Buildings, Chennai.
2. Union of India,
Rep. by Commissioner,
Department of Labour,
Government of Employment and Training,
Government of Pondicherry, Pondicherry.
3. Joint Secretary,
Department of Labour cum the Director of
Employment and Training,
Government of Pondicherry,
Pondicherry.
4. The Director General/Joint Secretary to
Government of India,
Directorate of General Employment and Training,

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent viz., the Central Administrative Tribunal in O.A.No.1561 of 2011 dated 6.1.2015 confirming the order passed in its letter No.3227/Lab/Sectt.Wing/A1/2011 dated 10.06.2011 of the 2nd Respondent and quash both the orders and consequently direct the respondents to grant the Petitioners the scale of pay of Rs.6500-10,500/- (pre revised) with effect from 1.1.1996 on par with Vocational Instructors in the Education Department with all arrears and attendant benefits.

For Petitioners : Mr.S.Magesh
For Mr.V.Vijay Shankar
For Respondents 2 and 3: Mr.R.Syed Mustafa
Special Government Pleader
For 1st Respondent : Tribunal

O R D E R

M.VENUGOPAL, J.

The Petitioners have filed the present Writ Petition seeking to call for the records of the 1st Respondent/Central Administrative Tribunal, Chennai in O.A.No.1561 of 2011 dated 06.01.2015 confirming the order passed by the 2nd Respondent in its letter No. 3227/Lab/Sectt.Wing/A1/2011 dated 10.06.2011 and to quash the same. Further, they have prayed for passing of a consequential order in directing the Respondents to grant them the scale of pay of Rs.6500-10,500/- (pre revised) with effect from 1.1.1996 on par with Vocational Instructors in the Education Department with all arrears and attendant benefits.

2.The 1st Respondent/Tribunal, while passing the impugned order in O.A.No.1561 of 2011 on 06.01.2015 [filed by the Writ Petitioners (as Applicants)] at paragraphs 18 and 19, had observed the following:

"18.Thus the general tenor of the decisions of the Hon'ble Supreme Court is that the equation of posts and salary is a complex matter which should be left to the Executive and it must be determined by expert bodies such as the Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities or posts. It there is any such determination by

a Commission or Committee, the Court should normally accept it. The Court should not interfere with such equivalence unless it is shown that it was made with extraneous consideration. Granting of pay parity by the Court may result in a cascading effect and reaction which can have adverse consequences. The judgment of the administrative authorities concerning the responsibilities, which attach to the post, and the degree of reliability expected of an incumbent, would be a value judgment of the authorities concerned which, if arrived at bona fide, reasonably and rationally was not open to interference by the Court. 'Equal pay for equal work' is a concept which requires for its applicability complete and wholesale identity between a group of employees claiming identical pay scales and the other group of employees who have already earned such pay scales. The problem about equal pay cannot always be translated into a mathematical formula.

19. As already indicated, there is a difference in qualification and nature of work in the instant case. Commonality of nomenclature or the fact that the two categories of posts were in the same pay-scale till the revision of the pay-scale for Vocational Instructors of Education Department as a result of the decision of this Tribunal vide its order dated 19.03.1999 in O.A.No.38/1994 which was implemented vide the order of the Government of Puducherry dated 10.07.2006, is by itself not an adequate ground for this forum to disturb the pay-scales at a juncture when the VII CPC has been constituted. In fact, the Applicants have approached this forum after nearly 5 years of the issue of the order. It is, therefore, not possible to interfere in the matter and provide the relief sought by the Applicants. The Applicants may, if so desired, take up the case before the VII CPC which will no doubt look into the entire gamut of the issue if any such representation is made to it."

and disposed of the Original Application without costs.

3.Questioning the Validity and Legality of the impugned order dated 06.01.2015 in O.A.No.1561 of 2011 passed by the 1st Respondent/Tribunal, the Petitioners have filed the instant Writ Petition stating that the rejection of the Petitioners request on the basis that the qualification for both posts are different is an incorrect one.

4.In this connection, the Learned Counsel for the Petitioners submits that earlier in the Department of Labour, there were several posts viz.,

- 1.Craft Instructor
- 2.Allied Trade Instructor
- 3.Drawing Instructor
- 4.Mathematics Instructor
- 5.Craft Instructor (Computer Trade)
- 6.Senior Instructor (Weaver)
- 7.Senior Instructor (Maintenance Weaver)
- 8.Senior Instructor (Agricultural Equipment Mechanic)
- 9.Senior Instructor (Motor Armature Winder)
- 10.Maintenance Mechanic.

and these posts were re-designated as Vocational Instructor (Theory/Practical) vide G.O.Ms.No.28 dated 02.07.2003. Furthermore, for the aforesaid 10 posts against which the Members of the Petitioners Association were recruited, the required qualification was either degree in Engineering or Diploma. As a matter of fact, all the Members of the 1st Petitioner Association possess either Degree or Diploma even at the time of their initial appointment. As such, it is incorrect to state that the qualification for the post of Vocational Instructor in the Labour Department is lower when it is exactly same.

5.The Learned Counsel for the Petitioners points out that the Director General of Employment and Training (DGE&T), on 26.05.1997 had issued instructions to the effect that Vocational Instructor should get Equal Pay on par with their counterpart in Schools and that direction given in the context of the situation prevailing in Delhi. Subsequently, in the year 2011, the Director General of Employment and Training, while evaluating the previous proposal in its meeting held on June 2011, called upon the respective State Governments to ensure that there was no anomaly in pay scales and rectify the same.

6.The Learned Counsel for the Petitioners comes out with a plea that the Recruitment Rule for the post of Vocational Instructor in the Department of Education envisaged transfer of instructor from Department of Labour as a source of recruitment. To put it succinctly, those Vocational Instructors like the Petitioners, who are working in the Labour Department, are eligible to be considered for appointment by transfer to the

Education Department and would be granted higher pay on such appointment by transfer.

7.The Learned Counsel for the Petitioners contends that 'Transfer of Service' involves transfer from equivalent cadres and this presupposes and establishes that both cadres of Vocational Instructors are equal and discharge the same duties and responsibilities. However, the serious anomaly was not properly appreciated by the 1st Respondent/Tribunal.

8.The Learned Counsel for the Petitioners projects an argument that while the Members of the 1st Petitioner and the 2nd Petitioner take class for those who had completed X standard and join the trade courses, those in Education Department teach class XI and XII standards. Therefore, both the categories of Vocational Instructor impart teaching to those students who had completed X standard. Indeed, going by the nature of duties and working hours, the Members of the Petitioners Association put in much long hours and give strenuous coaching seasons than compared to Vocational Instructor of Education Department.

9.The Learned Counsel for the Petitioners emphatically submits that the Petitioners claim for higher pay is based on the Constitutional mandate as per Article 39(d) of the Constitution of India, which envisages 'Equal Pay for Equal Work'. Till the year 2006, all successive Pay Commissions had granted same scale of pay to both Vocational Instructors finding their nature of duties, qualification etc. to be identical. Only in the year 2006, as per G.O.Ms.No.79 which was issued on 10.07.2006 that the Vocational Instructor of Education Department got higher pay and that the Government as well as the successive Pay Commissions had a proper evaluation granted same pay scales to both Vocational Instructors, which was unfortunately not taken note of by the 1st Respondent/Tribunal.

10.Before the 1st Respondent/Tribunal, the Writ Petitioners/Applicants in O.A.No.1561 of 2011 had specifically averred that after the VI Pay Commission's Recommendation in the pay band of Rs.9300-34,800/- while they are getting grade pay of Rs.4200/- the Vocational Instructors of Education Department are getting Grade Pay Rs.4800/- per month and that the 1st Petitioner/1st Applicant's Association made representation on 19.03.2010 claiming higher scale of pay of Rs.6500-10,500/- on par with the Vocational Instructors of Education Department and that the Government of Pondicherry, Department of Personnel and Administration Reforms by means of G.O.Ms.No.43 dated 14.08.2006 constituted a Single Member Committee to review the restructuring of various posts and to suggest suitable pay scales. However, when the recommendation of the VI Pay Commission came in the year 2007, the very constitution of the

Single Member Committee paled into insignificance and the Committee was rendered non-functional. Apart from that, with the implementation of the VI Pay Commission scales, the pay anomalies between the two cadre became very 'perceived', as the Grade Pay of the Applicants was fitted at Rs.4200/- whereas the Vocational Instructors in the Education Department was fixed at Rs.4800/-. Another representation dated 06.04.2010 was submitted to the Respondents requesting for the immediate redressal of their grievance.

11.The Learned Counsel for the Petitioners brings it to the notice of this Court that the Writ Petitioners filed O.A.No.481 of 2011 before the Tribunal and on 28.03.2011 the Tribunal while disposing of the Original Application had directed the Respondents to consider the representation made by the Writ Petitioners/ Applicants in accordance with Law and pass suitable orders within a period of eight weeks. In fact, the impugned proceedings dated 10.06.2011 of the 2nd Respondent rejecting the representation of the Petitioner on flimsy and untenable grounds, came as a shock to them.

12.It is represented on behalf of the Petitioners that the Writ Petitioners are Employees of the Government of Pondicherry for whom the competent authority in matters of pay fixation is the Government of Pondicherry/Lt. Governor and it is not known as to why the Pondicherry administration is seeking direction from the Director General of Employment and Training in this regard and in short, the impugned order dated 10.06.2011 of the 2nd Respondent suggesting that the Director General of Employment and Training has to approve the Writ Petitioners/Applicants demand for higher pay scale is thoroughly misconceived one.

13.The Learned Counsel for the Petitioners points out that right from the first Pay Commission Recommendation, the Government of Pondicherry had granted both Vocational Instructors, the same scale of pay and hence, it is unfair on the part of the Respondents to grant higher pay scale to the Vocational Instructor of the Education Department, leaving out those in the Labour Department.

14.Conversely, it is the submission of the Learned Special Government Pleader for the Respondents 2 to 4 that Vocational Instructors of the Labour Department and Education Department are not placed on equal footing and they are distinct and they are different in various respects viz., Educational Qualification, Experience, nature of duties and responsibilities and administration and organisation pattern.

15.The Learned Special Government Pleader for Respondents 2 to 4 points out that the Recruitment Rules to the post of Vocational Instructor in the Respondent Department comes under two categories -

Vocational Instructor (Practical) (a) Academic: passed 10th standard exam under 10+2 system of education (b) Technical: possessing National Trade Certificate/ National Apprentice Certificate for the trade (i) A Certificate under regular Craft Instructor Training Scheme of one year duration. OR (ii) Passed POT module in trades not having facilities for instructor Training. Necessary Practical training be provided after the appointment within three years (d) A minimum of two years experience in an industry or a training/teaching institute either before or after obtaining instructor training. Note (e) Qualifications are relaxable at the discretion of the Competent Authority in case of candidates otherwise well qualified.	Vocational Instructor (Theory) (a) Academic: passed 10th standard exam under 10+2 system of education (b) Technical: passed 3 year Diploma in appropriate branch of Engineering from a recognised institute (c) should possess certificate under Craft Instructor Training Scheme (one year course) OR Should have successfully completed minimum two modules viz., Teaching Methodology Module (3 months duration) and Trades Technology Module (6 months duration) under Craft Instructor Training Programme on Modular Pattern OR Should have passed one Year course from a Technical Teacher Training Institute (TTI) Under the Ministry of Human Resources Development.
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16.The Learned Special Government Pleader for Respondents 2 to 4 contends that the Recruitment Rules relied on by the Writ Petitioners in Original Application for the post of Vocational Instructor in respect of Education Department runs as under:

“(1) A bachelors degree of a recognised University in the relevant discipline

Or

(2) A Diploma of a recognised institution in the relevant discipline with Diploma in Technical Teachers Training.

Or
(3) Diploma in the relevant discipline with
two years of teaching professional
Experience."

17. The Learned Special Government Pleader for Respondents 2 to 4, by comparing the two Recruitment Rules, takes a plea that there are vast dissimilarities in the requirements of essential/basic Education Qualification in respect of the posts in the Department concerned. In this regard, it is the version of the Respondents 2 to 4 that the requirement for Educational Qualification in the Labour Department is only a pass in X standard and three years Diploma in appropriate branch of Engineering and a certificate under Craft Instructor Training Scheme. However, the Recruitment Rules in respect of the Education Department specifies a Bachelor Degree of a recognised University or Diploma in appropriate branch of Engineering plus Diploma in Technical Teachers Training or a Diploma in appropriate branch of Engineering with two years of teaching professional experience. In short, it is projected on the side of the Respondents 2 to 4 that there is a big difference in regard to the qualifications prescribed for the posts.

18. The Learned Special Government Pleader for Respondents 2 and 3 draws the attention of this Court to the effect that under column (7) of the Recruitment Rules for the post of Vocational Instructor of the Education Department which prescribes preferably a Degree in the Electrical Engineering of a recognised University in the first instance and a Diploma in Electrical Engineering with Diploma in Technical Teachers Training or two years experience in teaching profession as the next options. Therefore, according to the Respondents 2 to 4, it is clear that the Rule Maker had intended to include 'Teachers Education' mandated along with technical qualification. However, in the Labour Department, the Recruitment Rules indicate that a X standard with a Certificate in Craft Instructors Training is sufficient in respect of Vocational Instructor (Practical) and a three years Diploma in appropriate branch of Engineering with one year Craft Instructor Training Certificate in the case of Vocational Instructor (Theory) would be enough.

19. Besides the above, in the qualifications specified in respect of Vocational Instructors of the Labour Department, there is no such preferable qualification as in the Education Department and indeed, the Rule Maker seeks to exhibit a content in regard to the Recruitment of hands (in the Labour Department) even with Diploma Holders itself. Therefore, the Writ Petitioners claim for extension of pay scale, similar to the 'Vocational Instructors' in Education Department based on the statement of the equal qualification is an untenable one.

20.The Learned Special Government Pleader for Respondents 2 to 4 submits that the inter-difference of qualifications prescribed among the Vocational Instructors (Theory & Practical) of the Labour Department, the qualification prescribed for the post of Vocational Instructor in the Education Department is not in any way identical with either of the Vocational Instructors post in the Labour Department. As such, the Petitioners claim for extension of pay scales similar to that of the Vocational Instructors in Education Department on the basis of equal qualification is not to be accepted.

21.The Learned Special Government Pleader for Respondents 2 to 4 points out that the Ministry of Labour (DGE&T), New Delhi is the 'Nodal Agency' as regards all the Craft Instructors Training Programme that is being conducted in all the Government I.T.I.s and the pattern of Institute staff, qualifications, pay scales, duties and responsibilities and other matters related to the conduct of Training Programmes comes within the control and governance of the DGE&T, New Delhi. Furthermore, the pay scales prescribed in respect of Craft Instructors of the Government I.T.I.s. are based on the recommendations of the DGE&T, New Delhi. Hence, the claim for extension/revision of pay scales before the Labour Department is an inappropriate one.

22.The Learned Special Government Pleader for Respondents 2 to 4 forcefully contends that the enhancement of the recruitment qualification for the post of Vocational Instructor along with upward revision of pay scales, which is in vogue, was duly effected by the DGE&T, New Delhi through letter dated 24.07.1996 and the same was based on the recommendations issued in the said letter, the qualifications and the pay scales for the post of the Vocational Instructors were duly revised. In fact, the Writ Petitioners/ Applicants, pursuant to the aforesaid order, had received all the benefits as termed in the said recommendations. In reality, the recommendations/instructions issued by the DGE&T, New Delhi alone is binding in respect of all the Craftsman Training Scheme dealt with by all the State Government and Union Territory Administration. Added further, the recommendations in regard to the pay scales and qualification etc. made by the DGE&T, applicable to all Union Territories are being implemented in respect of the Vocational Instructors of the Government I.T.I.s in the Union Territory of Puducherry. Therefore, it is the plea of the Respondents 2 to 4 that seeking to revise the pay scales in respect of the Writ Petitioners on par with the Vocational Instructors in the Education Department is not a sustainable one.

23.Yet another argument advanced on behalf of the Respondents is that under the hierarchical pattern in the posts in the Labour Department, the post of Vocational Instructors are

in the feeder category and the promotional post is Group Instructor. However, the Writ Petitioners/Applicants (Vocational Instructors) are in Supervisory category and the Group Instructors are the Supervisor category and that the pay scales of the aforesaid categories are (pre-revised) Rs.5500-175-9000 and Rs.6500-200-10500 respectively. In terms of the Recommendations of the VI Central Pay Commission, the aforesaid pay scales were correspondingly replaced with PB-1 Rs.9300-34800 + Grade Pay Rs.4200 and PB-1 Rs.9300-34800 + Grade Pay Rs.4600 respectively.

24.The Learned Special Government Pleader for Respondents 2 to 4 submits that the principle of 'Equal Pay for Equal Work' does not apply in the present case owing to big difference in numerous aspects such as pay, qualifications, pattern, governance etc. and as such, the claim of the Writ Petitioners seeking for an extension of the same scale with that of the Vocational Instructors in the Education Department sans merits.

25.By way of Reply, the Learned Counsel for the Petitioners submits that the Office Memorandum dated 26.05.1997 of the Department of Labour (DGE&T) had categorically mentioned that Craft Instructors in the I.T.I.s of Delhi Union Territory should be fixed in the higher scale of pay of Rs.1640-2900 (pre-revised) on par with Craft Teachers in the Delhi School. Further, Rs.1640-2900/- is a revised scale of Rs.6500-10500/- which they are claiming on par with the Craft Instructor of the Department of Education. In effect, the plea of the Petitioners is that what was mentioned in the Official Memorandum dated 26.05.1997 in the case of Craft Instructor of Delhi Government applies with equal force to the Vocational Instructors in the Labour Department of the Government of Pondicherry viz., the Writ Petitioners when the qualifications, recruitment conditions are similar.

26.The Learned Counsel for the Petitioners informs this Court that the DGE&T in the 'Evaluation Report' dated 20.09.2011 had clearly mentioned that during the Pay Commission's Recommendations, the salary of the Instructors in the Labour Department was reduced in comparison with their counterparts in School and suggested immediate measures to rectify such anomalies.

27.Lastly, it is the contention of the Learned Counsel for the Petitioners that 'Transfer of Service' which is from among equivalent grades only and it stands to reason that if Vocational Instructor of Education Department receives a higher pay scale, then those who are eligible for transfer from Labour Department (Writ Petitioners/ Applicants cadre) must also be given the same scale of pay.

28.It is to be noted that the principle 'Equal Pay for Equal Work' is a constitutional goal. The concept of 'Equal Pay for Equal Work' because of difficulties in comparing and evaluating the work performed by different persons in different sectors or even in same organisation is an uphill task to be performed. A careful and cautious approach is to be adopted by a Court of Law. Unless mala fides are attributed, a Court of Law cannot interfere.

29.At this stage, this Court aptly points out the decision of the Hon'ble Supreme Court in State of Madhya Pradesh V. Ramesh Chandra Bajpai , (2009) 13 SCC 635 wherein it is observed that the principle 'Equal Pay for Equal Work' could be pressed into service only when Employees are similarly placed. 'Quantum of Work' or 'Designation' is not a determinative factor. Mode of Recruitment, 'Qualification', 'Nature of Work', Responsibility, Reliability, Experience etc. are some of the guiding factors to be taken note of. Undoubtedly, the function of deciding 'Equivalence' is an executive function to be performed by Expert Bodies. A Court of Law, ordinarily, will not interfere in this regard.

30.In this connection, this Court refers to a decision of the Hon'ble Supreme Court in Nain Singh Bhakuni V. Union of India reported in AIR 1998 SC 622 wherein it is observed and held that 'difference in Educational Qualification to be a reason for not upholding a claim for parity of treatment by means of retrospective revision of pay scale'.

31.It is to be remembered that the doctrine of 'Equal Pay for Equal Work' in the light of Article 39(d) coupled with Article 14 of the Constitution of India has a primary place in Service Law, but the same cannot be applied in a mechanical fashion. The source and mode/method of Recruitment or Appointment confidentiality, functional need etc. are some of the significant factors. In short, the 'Equality Clause' can be resorted to as regards the pay scales, only when there is a complete identity between the holders of two posts. Of course, the concept of 'Equal Pay for Equal Work' is an inbuilt one in the doctrine of 'Equality' specified in Article 14 of the Constitution of India. In reality, 'Equality' of opportunity guaranteed by Article 16(1) of the Constitution concerns 'Equal Pay for Equal Work'. No doubt, the principle 'Equal Work for Equal Pay' may apply on the premise of a like work.

32.In Law, the onus is on an individual to prove the 'Right to Equal Pay' which means the early burden rests on his shoulders. For the applicability of the principle of 'Equal Work for Equal Pay' strict pleadings, proof of relevant factors (including the mode and manner of selection) for the entry into

service are all relevant criteria, as per decision State of Punjab V. Surjit Singh, (2009) 9 SCC 514.

33.The scope of 'Judicial Review' is limited in regard to the fixation of pay and determination of parity, only when the fixation is unjust, unreasonable and prejudicial to a section of an Employees and taken in ignorance of relevant consideration, the Courts can interfere, as per decision Haryana State Minor Irrigation Tubewells Corporation V. G.S. Uppal, AIR 2008 SC 2152.

34.One of the directive principles enshrined in Part IV of the Constitution of India is that the State shall direct its policy towards securing that there is 'Equal Pay for Equal Work' for both men and women which means 'Equal Pay for Equal Work' for everybody, as per decision Randhir Singh V. Union of India, (1982) 1 LLJ 344.

35.It cannot be forgotten that the directive principles of State Policy as mentioned in Part IV of the Constitution of India are expressly declared by Article 37 not to be enforceable by any Court, as per decision Minerva Mills Limited V. Union of India, AIR 1980 SC 1789. No doubt, the principle 'Equal Pay for Equal Work' has assumed the status of fundamental right, as per decision of the Hon'ble Supreme Court in State of Kerala V. Renjith Kumar, (2008) 3 KLT 33.

36.As far as the present case is concerned, the educational qualifications required in terms of the Recruitment Rules to the post of 'Vocational Instructors' in Education Department remains the same for all such designated Vocational Instructors. It cannot be brushed aside in respect of Labour Department, the Educational Qualification in regard to the category of Practical and Theory, it varies. The claim of the Respondents 2 to 4 is that the qualification specified for the post of Vocational Instructor in the Education Department is not in any manner identical with either of the Vocational Instructors posts in the Labour Department. As such, the plea of the Petitioners to extend the pay scales similar to that of Vocational Instructors in Education Department based on equal qualification cannot be countenanced, in the considered opinion of this Court.

37.It is brought to the notice of this Court on behalf of the Respondents 2 to 4 that the Nodal Agency is the Ministry of Labour (DGE&T), New Delhi in regard to all the Craft Instructors Training Programme which is conducted in all the Government I.T.Is. The conduct of Training Programmes, the pattern of Institute staff, qualifications, pay scales, duties and responsibilities do come within the ambit of control and governance of the DGE&T, New Delhi. Based on the recommendations

of the DGE&T, New Delhi, the pay scales specified in respect of the Craft Instructors of the Government I.T.Is. are determined. Viewed in that perspective, the claim for revision of pay scales/claim for extension of pay scales before the Labour Department is an incorrect one.

38.Continuing further, by means of Letter dated 24.07.1996, the higher recruitment qualification for the post of Vocational Instructor together with upward revision of pay scales, which was in vogue, was effected by DGE&T, New Delhi and based on the recommendations in respect of pay scales and qualification etc., made by DGE&T, applicable to all Union Territories are being implemented in respect of the Vocational Instructors of the Government I.T.Is. in the Union Territory of Puducherry. Therefore, claiming a revision of pay scales in regard to the Petitioners on par with the Vocational Instructors in Education Department cannot be sustained. In fact, in the Labour Department, the post of 'Vocational Instructors' are in the feeder category and the promotional post is 'Group Instructor'. The Writ Petitioners/Applicants (Vocational Instructors) are in supervised category and the Group Instructors are in supervisory category. It is to be pointed out that the basic scales of the aforesaid categories were (pre revised) Rs.5500-175-9000/- and Rs.6500-200-10500/- respectively. The aforesaid pay scales, in terms of the VI Central Pay Commission were correspondingly replaced with PB-1 Rs.9300-34800 + Grade Pay Rs.4200 and PB-1 Rs.9300-34800 + Grade Pay Rs.4600 respectively and the specification of the pay scales by DGE&T as aforesaid, unerringly speaks of a difference in regard to the status, position pecuniary benefits of the supervisor and the supervised.

39.In pith and substance, in view of the crystalline fact that there is a wide/huge difference in numerous aspects like pay, qualifications, pattern, governance etc., this Court unhesitatingly comes to a consequent conclusion that Concept/Doctrine of 'Equal Pay for Equal Work' is inapplicable to the present case on hand. Viewed in that perspective, the Writ Petitioners claim seeking to extend the same scale of pay with that of Vocational Instructors in the Education Department sans merits. In any event, the observations of the 1st Respondent/Tribunal that '... there is a difference in qualification and nature of work in the instant case. Commonality of nomenclature or the fact that the two categories of posts were in the same pay-scale till the revision of the pay-scale for Vocational Instructors of Education Department as a result of the decision of this Tribunal vide its order dated 19.03.1999 in O.A.No.38/1994 which was implemented vide the order of the Government of Puducherry dated 10.07.2006, is by itself not an adequate ground for this forum to disturb the pay-

scales at a juncture when the VII CPC has been constituted. In fact, the Applicants have approached this forum after nearly 5 years of the issue of the order. It is, therefore, not possible to interfere in the matter and provide the relief sought by the Applicants etc.' do not suffer from any Legal infirmities. Consequently, the Writ Petition fails.

40. In fine, the Writ Petition is dismissed. Before parting with the case, this Court makes it lucidly quite clear that the dismissal of the present Writ Petition will not preclude the Writ Petitioners to submit a detailed, qualitative and quantitative representation to the National Anomaly Pay Committee, New Delhi for redressal of their grievances, if they so desire/advised, of course, in the manner known to Law and in accordance with Law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sgl

Sub Assistant Registrar

To

1. The Registrar,
The Central Administrative Tribunal,
High Court Buildings,
City Civil Court Buildings,
Chennai.
2. The Commissioner,
Union of India,
Department of Labour,
Government of Employment and Training,
Government of Pondicherry, Pondicherry.
3. Joint Secretary,
Department of Labour cum the Director of
Employment and Training,
Government of Pondicherry,
Pondicherry.
4. The Director General/Joint Secretary to
Government of India,
Directorate of General Employment and Training,
Ministry of Labour, New Delhi.

+1 cc to M/s.V.Vijay Shankar, Advocate, S.R.No.36193

W.P.No.19335 of 2015

VSN-II (CO)

SSM(03/05/2019).