

No varying pay if employees are in same posts: HC

Judgment Delivered On: 07th September, 2010

UOI & ANR. – VS - SANJAY KUMAR & ORS. W.P.(C) NO.2071/2007

There cannot be discrimination among employees holding the same posts and doing similar nature of work in terms of their pay scale unless one has higher qualifications, Delhi High Court has said. The court dismissed an appeal filed by the Centre against the order of the Central Administrative Tribunal which had held that there cannot be discrimination among persons holding same posts vis-a-vis their pay scale while allowing a batch of petitions filed by a group of Prasar Bharati employees. ". . . where there is complete parity it would be highly discriminatory to treat employees differently merely on account of the two coming from two different sources," a Division Bench of Justices Pradeep Nandrajog and Moolchand Garg said. **H**owever, the court clarified that the pay scale can vary if an employee held higher qualification than others in the same cadre. "Of course, employees in the same cadre can certainly be placed in different pay scales but that would be if it is shown that one set of employees has higher technical or education qualifications or performs more onerous duties vis-a-vis the other or the like," the Bench added. Prasar Bharati was constituted in September 1997 under Broadcasting Corporation of India Act.

Alleging disparity in their pay scale, the employees had said they were casual employees with the I&B ministry and were offered a pay scale of Rs 5000-8000 after they were regularised under the Prasar Bharti. However, their other counterparts, who were erstwhile regular employees of the same ministry, were offered the pay scale of Rs 6,500-10,500 under the corporation. "Merely because they acquired the status as regular employees under the corporation was no ground to justify they being placed in the low pay scale," the employees had contended before the CAT. The Tribunal had in 2007 rejected the arguments of Centre and directed it to give equal pay scale to the Prasar Bharati employees holding the same posts and doing similar nature of job. The Centre had moved the high court against the CAT order.