

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5185 OF 2007

BUREAU OF INDIAN STANDARDS Appellant (s)

VERSUS

BUREAU OF INDIAN STRD.LAB.EMP.ASS.& ANR. Respondent(s)

Date: 15/09/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CYRIAC JOSEPH
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Mohan Parasaran, ASG,
Mr. B.K.Sood, Adv.
Mr. Vipul,Adv.
Ms. Indra Sawhney,Adv.

For Respondent(s) Mr. Prabhijit Jauhar, Adv.
Mr. S.S. Jauhar,Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

(Shashi Sareen) (Renuka Sadana)
Court Master Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 5185 OF 2007

BUREAU OF INDIAN STANDARDS ... Appellant(s)

Versus

BUREAU OF INDIAN STANDARDS LABORATORY EMPLOYEES ... Respondent(s)
ASSOCIATION & ANR.

O R D E R

The appellant herein was the appellant in LPA No. 958
of 2002 which was dismissed by a Division Bench of the High
Court of Delhi on 24.11.2006. The said LPA was filed

against an order dated 18.09.2002 of a learned Single Judge of the High Court allowing Civil Writ Petition No. 3925 of 1991 and directing the respondents-Union of India and Bureau of Indian Standards to grant the members of the petitioner Association the pay-scale of Rs. 1640-2900 (pre-revised) w.e.f. 01.01.1986. The said Writ Petition was filed by the first respondent herein-Bureau of Indian Standards Laboratory Employees' Association.

The grievance of the writ petitioner was that even though the Technical Assistants and the Assistants/Stenographers in the Bureau of Indian Standards were treated equally and granted the same scale of pay till 01.01.1986, the scale of pay of the Assistants/Stenographers

-2-

was increased to Rs. 1640-2900 w.e.f. 01.01.1986 whereas such increase was denied to the members of the petitioner Association, namely, the Technical Assistants. The petitioner contended that considering the qualifications for the posts, nature of the duties and the equal treatment meted out to both Technical Assistants and Assistants/Stenographers till 01.01.1986, the Technical Assistants were entitled to be treated similarly with the Assistants/Stenographers in the matter of pay scale. Though the respondents in the Writ Petition resisted the claim of the writ petitioners by filing counter affidavit, the learned Single Judge, considering the qualifications required for the posts in question, the nature of duties of the posts and the fact that they were given equal treatment till 01.01.1986, came to the conclusion that there was no justification for treating them differently in the matter of pay scale. It is on that basis that the learned Single Judge allowed the Writ Petition and directed the respondents in the Writ Petition to grant the Technical Assistants the pay scale of Rs. 1640-2900 (pre-revised) w.e.f. 01.01.1986

as in the case of Assistants/Stenographers. By the impugned judgment of the Division Bench of the High Court, the judgment of the learned Single Judge was upheld holding that there was no justification for treating the Technical Assistants differently from the Assistants/Stenographers in the matter of scale of pay.

-3-

Having regard to the reasons stated by the learned Single Judge and the Division Bench for granting the revised pay scale to the members of the first respondent-Association w.e.f. 01.01.1986 and also considering the fact that the appellant itself has granted to the Technical Assistants the pay scale of Rs. 9300-34800 w.e.f. 01.01.2006, we do not find any merit in this appeal. It may be noted that the Assistants/Stenographers also have been given the same pay scale of Rs. 9300-34800 w.e.f. 01.01.2006. Thus, up to 01.01.1986 the Technical Assistants and Assistants/Stenographers were treated alike in the matter of pay scale and again from 01.01.2006 onwards they are being treated equally. Difference in their pay scales existed only from 01.01.1986 till 31.12.2005. In such circumstances, we find no valid reason or justification for interfering with the impugned judgment of the High Court. Accordingly, the appeal is dismissed. In the facts and circumstances of the case, the parties are directed to bear their own costs.

.....J.
(CYRIAC JOSEPH)

.....J.
(T.S.THAKUR)

New Delhi,
September 15, 2011.