

SUPREME COURT OF INDIA

Secretary To Govt.

Vs.

C. Muthu

(G Pattanaik and U Banerjee JJ.)

06.09.2000

ORDER

1. The State of Tamil Nadu is in appeal against the order of the Tamil Nadu Administrative Tribunal, Madras allowing the application of the respondent and directing the Government of Tamil Nadu to grant him the pay scale fixed for the post of Chemist in the Industries Department. The Tribunal obviously has applied the principle of equal pay for equal work.

2. From the narration of facts as borne out in the impugned order of the Tribunal, it is crystal clear that the post of Chemist in the Department of Industries and the post of Chemist in the Inspectorate of Factories are borne in two different streams having different source of recruitment, prescribing different qualifications and providing for different scale of pay. Even the learned Tribunal, on comparison of the work done by the individuals of the two posts, has come to the conclusion that the same cannot be held to be exactly of the same nature though it can be said to be of identical nature. It also further transpire that the question has been considered by different Pay Commissions from time to time and a differentiation has been maintained with regard to the pay scale of two posts.

3. When the matter was taken up for hearing on the last occasion, the Court had suggested as to whether the State would agree to give him the relief granted by the Tribunal taking into account that the post is a single post in the Inspectorate. The learned Counsel appearing for the State of Tamil

Nadu on instructions, states that the State Government is not agreeable to grant the relief sought for, as in that case, several others from different Departments of the Government would claim similar treatment.

4. Having regard to the qualifications meant for the posts, the duties and responsibilities, nature of job as well as the mode of recruitment to the two posts in question, we are unable to subscribe to the view taken by the Tribunal though the responsibilities discharged by the said two posts are similar and as such the post in the Inspectorate should have the same scale of pay as that of the post in the Department of Industries.

5. In granting relief while applying the principle of "equal pay for equal work", the Court or Tribunal should be very circumspect and until and unless it is established that the two posts are almost similar in all aspects, the Court or Tribunal should not venture to grant the relief sought for.

6. On going through the impugned order of the Tribunal and on the findings of the Tribunal, we have no hesitation to come to the conclusion that the Tribunal over stepped its jurisdiction in granting the relief sought for by the respondent. We, therefore, set aside the impugned order of the Tribunal and allow this appeal accordingly.