

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
CIRCUIT BENCH SITTING
AT KAVARATTI
UT OF LAKSHADWEEP

ORIGINAL APPLICATION NO. 181/00700 of 2016

Friday, this the 13th day of December, 2019

CORAM

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY
HON'BLE MR. E.K.BHARAT BHUSHAN**

**...CHAIRMAN
...ADMINISTRATIVE MEMBER**

K.B.Muhammed,
Retouch Artist,
Lakshadweep Government Press,
Kavaratti. (Residing at Kunnumathige
Bidharuge House,
Union Territory of Lakshadweep.

...Applicant

(By Advocate Mr.Joby Cyriac)

Versus

1. Union of India,
Represented by the Secretary,
The Ministry of Urban Development,
Nirman Bhawan, New Delhi – 110 011.
2. The Ministry of Finance,
Department of Expenditure,
Represented by its Secretary,
Government of India,
North Block, New Delhi – 110 001.
3. The Administrator,
Union Territory of Lakshadweep,
Kavaratti - 682 555.

..... Respondents

(By Advocate Mr. S.Manu for R3 and
Mr.Thomas Mathew Nellimoottil, Sr.PCGC for 1&2)

This application having been heard on 13th December, 2019, the Tribunal on the same day delivered the following :

O R D E R (ORAL)

E.K.Bharat Bhushan, Administrative Member

The prayer contained in the Original Application is as follows:

- “i) Call for the original records leading to Annexure A11 order of the 1st respondent and set aside the same.
- ii) An order declaring that the educational qualification, responsibilities and nature of work attached with the post of ‘Artist Retoucher’ at Government of India Press as per its Annexure A4 Recruitment Rule and A6 Hand book as well as ‘Retouching Artist’ at U.T of Lakshadweep Government Press as per its Annexure A5 Recruitment Rule and Annexure A-7 proposal are one and same.
- iii) An order directing the 1st respondent to classify the post of the applicant namely Retouch Artist as ‘supervisory’ as it was done in the Government of India Pres vide Annexure A2 OM and revise the pay scale of the applicant from 1400-2300 to Rs.1660-2660 (pre-revised) with effect from 31.10.1989.
- iv) Such other order or direction as this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the case.

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2. The applicant is a Retouch Artist in the Lakshadweep Government Press (LGP) since 2006 onwards. He is seeking equivalence in pay scales with Printing Staff of Government of India and Government Pondicherry including Retouch Artist with effect from 31.10.1989. In Original Application 60/2014, the same issue had been taken up by this Tribunal and in orders passed on 1.9.2014 in O.A No.60/2014, a direction had been issued to the respondent Government of India to consider the issue in totality. It was ordered that a decision, taken through a well reasoned order, is to be communicated to the applicant. Accordingly, it is seen that Annexure A-11 has been issued on 21.1.2016.

3. The core of the argument raised by the applicant in this case is that the qualification for the post under Lakshadweep Government Press on one hand and Government of India Press/Pondicherry Press is one and the same. He also contends that the duties and responsibilities of the personnel involved in the litigation are identical.

4. The respondents have filed a counter affidavit whereby the contentions raised by the applicant have been disputed. It is averred that a Retouch Artist in the Lakshadweep Government Press is working under the control of Process Camera Operator and Overseer and it is not a supervisory post unlike the personnel referred to in Public Works Department as well as Government of India Press. Thus, it is maintained that the applicant cannot claim a pay scale applicable to the supervisory post. Further, it is averred that the post re-designated as Artist Retoucher, is a distinct and separate designation from that of the applicant. Further, it is maintained that the duties and responsibilities of Retouch Artist is relatively less than those indicated in the Press Handbook of Government of India Presses. The statement further goes on to maintain that in the light of this Tribunal's order, the Ministry of Urban Development considered the representation of the applicant and issued the impugned order rejecting the representation submitted by the applicant.

5. We have heard Mr.Joby Cyriac, learned counsel for the applicant and Mr.S.Manu, learned counsel for respondent no.3 and Mr.C.Rajendran representing Mr.Thomas Mathew Nellimoottil, learned counsel for respondent nos.1 and 2. Perused the records.

6. While maintaining that the designations are similar and also that the qualifications as well as the duties and responsibilities are one and the same, it is admitted in the Original Application, that the designation of the applicant is that of Retouching Artist whereas the post in Government of India as well as Pondicerty Press comes under the nomenclature of Artist Retoucher. So far as the qualifications for the posts are concerned, although it is maintained in the Original Application that matriculation or equivalent qualification is a qualification required for the post under Lakshadweep as well as Government of India Presses, in the impugned order, the basic qualification required for the post is described as below:

Educational and other qualifications for direct recruits in GIPs as per existing RRs, 2003	Educational and other qualifications for direct recruits in LGP
<p>(i) Degree in Printing Technology from a recognized university or institution with two years' experience</p> <p>OR</p> <p>(ii) Diploma in Printing Technology (Off set) from a recognized Institute of Printing and three years' experience in Scanning, Planning &</p>	<p>1. Matriculation or equivalent.</p> <p>2. Diploma in Printing Technology (Lithography) from a recognized institution (3 years course)</p> <p>3. Three years' experience as a Retoucher from a Photo Litho establishment engaged in multicolour work.</p> <p>OR</p> <p>(a) Diploma arts fine arts from a</p>

Retouching in a offset establishment of repute.	recognized institution (b) 3 years practical experience in commercial art layout and retouching Desirable: Experience as a retoucher in a photo litho establishment. 4. Should pass a trade test at the time of selection.
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(emphasis supplied)

7. After considering the pleadings made, we are of the view that the posts under Government of India/Pondichery Government, are dissimilar in several aspects. The designations are not identical. The qualification required for the post under Government of India/Pondichery specifies a degree as an alternative qualification unlike that of the applicant under Lakshadweep Administration. The latter post is also not classified as a supervisory one unlike the former. Thus, we see no similarity between the posts to justify the claim of equivalence made by the applicant. The Original Application fails and is dismissed.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

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List of Annexures in O.A. No.181/00700/2016

1. Annexure A1 - True copy of the OM No.36(I)-IC/88 dated 31.10.1989 of the 2nd respondent.
2. Annexure A2 - True copy of the office memorandum of the 1st respondent dated 29.11.1992.

3. Annexure A3 - True copy of the letter dated 07.09.1999 issued by the 1st respondent to the Administrator, Union Territory of Pondicherry.
4. Annexure A4 - True copies of that Recruitment Rules with respect to Artist Retoucher at GIP dated 28.12.1987.
5. Annexure A5 – True copies of that Recruitment Rules with respect to Artist Retoucher at LGP dated 31.08.1993.
6. Annexure A6 - True copies of the relevant page of the hand book (nature of duties & responsibility) at GIP.
7. Annexure A7 - True copies of the relevant page of the proposal Recommendation of the Director (P&S) of the 3rd respondent showing nature of duties of the Retouching Artists at LGP.
8. Annexure A8 - True copy of the relevant page of the RR of Retouch Artist of Govt. Of Pondicherry.
9. Annexure A9 – True copy of the representation dated 11.11.2013 for up-gradation of pay scale through proper channel.
10. Annexure A10 - True copy of the minutes of the meeting dated 19.3.2014
11. Annexure A12 – True copy of the relevant page of the report of the IDC 1987.
12. Annexure R1(a) – True copy of the recruitment rules pertaining to Artist Retoucher.
13. Annexure R1(b) – True copy of the duties and Responsibilities of Retouching Artists as LGP and GIP.
14. Annexure A13 - True copy of the pay revision Order No.A-26021/1/2010-Pig dated 05/07/2010 of the Ministry of Urban Development.
15. Annexure A14 - True copy of the RR of Artist of Government of Pondicherry Press as on the year 1990.
16. Annexure A15 - True copy of the Judgment dated 05/09/2016 in OP CAT No.166 of 2016 of Hon'ble High Court of Kerala.
17. Annexure A16 – True copy of the report of the inquiry committee constituted by the Ministry of Urban Development dated 14/12/2016.
