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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1783/2001
M.A. No.1518/2001

New Delhi, this the 13th day of May, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri V.K.Majotra, Member(A))

1. Mahender Singh, s/o Sh. Chander Bhan
X-348, Sarojini Nagar, New Delhi.
2. Ram Kishan, s/o Sh.Ramphool
266 Chiragh Delhi, New Delhi
3. Jagdev Singh Dahiya, s/o Sh. Devi Singh
1004, Gali No.22, Swatanter Nagar
Near Narela, Delhi-40
4. K.C.Pokhriyal, s/o Sh.S.R.Pokhriyal
WZ-404, Raj Nagar Part II
Palam Colony-45
5. Ved Pal, s/o Sh. Zile Singh
V&P Rangpuri, PO Mahipal Pur
New Delhi
6. K.K.Sharma, s/o Sh. B.R.Sharma
J-1/36A, Chanakya Place I
New Delhi
7. Ramchander, s/o Sh. mangal Ram
V&PO Mokhra, Distt. Rohtak (Haryana).. Applicants

(Shri G.D.Gupta,Sr.Counsel with Sh.S.K. Sinha,
Advocate)

versus

Union of India, through

1. Secretary
Ministry of Energy, Deptt. of Power
Govt.of India
New Delhi.
2. Chairman
Central Electricity Authority
Sewa Bhawan, RK Puram, New Delhi
3. Secretary
Govt.of India
Ministry of Finance
South Block, New Delhi .. Respondents

(Mrs. Avnish Kaur,Advocate)

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Shri Justice V.S. Aggarwal

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MA 1518/2001 for joining together in OA No.1783/2001
is allowed.

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The applicants are aggrieved by denial to them, the benefit of the judgement of this Tribunal in OA No.2114/1989 (Dinesh Chandra Dabru & Ors. v. Union of India and Others) rendered on 18.5.1994. By virtue of the present application, they seek quashing of the notification dated 13.4.1989 in so far as it virtually downgraded the post of Blue Printers in relation to the post of Tracers and to declare that notification dated 13.4.1989 in so far as it redesignate the post of Tracer only as Draftsman Grade.III violates Articles 14 and 16 of the Constitution of India and that the post of Draftsman Grade-III be declared as to include the post of Ferro Printers along with Tracers.

2. It has been asserted that as per the recruitment rules published on 8.12.1984, the post of Ferro Printers/Blue Printers and also the post of Tracers in the same scale were described as feeder post for the post of Junior Draftsman. As per the then recruitment rules, the post of Junior Draftsman was to be filled by promotion 75% and by direct recruitment 25%. The recruitment rules provided that for promotions to the post of Tracers/Ferro Printers/Blue Printers who have rendered not less than 6 years' regular service in the grade and either possess a diploma or NTC in Draftsmanship from a recognised institute or have passed the departmental trade test in the Draftsmanship are eligible. By notification of 13.4.1989, the recruitment rules were amended regarding Group 'C' staff of the Central Electricity Authority



whereby three tiers in the category of Draftsmen were introduced viz. Draftsman Grade I in the scale of Rs.1600-2660, Draftsman Grade-II in the scale of Rs.1400-2300 and Draftsman Grade-III in the scale of Rs.1200-2040. The grievance of the applicants is that all the Tracers were re-designated as Draftsman Grade-III in the scale of Rs.1200-2040 whereas the applicants i.e. the Blue Printers were continued to be placed in the scale of Rs.975-1540 which is highly unjustified. The Blue Printers had been placed in the lowest rung in the hierarchy and were made a feeder post for the post of Draftsman Grade-III. A plea has also been raised that the recruitment rules of the employees in the Central Water Commission and that of the Central Electricity Authority were verbatim the same. The said injustice done to the applicants was also made applicable in the case of Ferro Printers and Blue Printers in the Central Water Commission. The Ferro Printers of the Central Water Commission had approached this Tribunal by way of OA No.2114/1989 and this Tribunal had allowed the application holding and declaring that the order dated 26.9.1986 in so far it re-designates the posts of Tracer only as Draftsman Grade-III is discriminatory and violative of Article 14 of the Constitution. It is on the strength of the same that the abovesaid reliefs are being claimed.

3. In the reply filed, the respondents plead that the matter regarding the conversion of the post of Blue Printers into that of Draftsman Grade III in the Central Electricity Authority was being considered in consultation



of the Ministry of Finance. It was decided to await the recommendations of the Group of Officials on review of the staff strength of the Central Electricity Authority before the matter was further taken up by the Ministry of Finance. In this view of the matter, it has been contended that no cause of action has arisen in favour of the applicants because they have not yet been denied promotion nor promotion has been given to employees who were not eligible. Certain submissions have further been made on the merits of the matter.

4. As referred to above on behalf of the applicants, reliance was placed on a decision of this Tribunal in the case of Dinesh Chandra Dabral and others (supra) in OA No.2114/1989 rendered on 18.5.1994 to contend that in the case of Central Water Commission, similar question had arisen. The rules in both the services are by and large identical and the application had been allowed. Reliance further is being placed on a decision of the Supreme Court in the case of Y.K.Mehta and others v.Union of India and another, AIR 1988 SC 1970 wherein the Supreme Court held that when two posts under two different wings of the same Ministry are not only identical, but also involve the performance of the same nature of duties, it will be unreasonable and unjust to discriminate between the two in the matter of pay. On the other hand, respondents placed reliance on a decision of the Supreme Court in the case of State of Haryana and Others v. Jasmer Singh and Others, (1996) 11 SCC 77. Therein, the Supreme Court while dealing with a similar argument for equal pay for equal

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work held that it involves evaluation of the work performed by the persons holding different posts in different departments. Ordinarily the evaluation of such duties by expert bodies must be accepted.

5. In the present case in hand though we must admit that certain arguments had been addressed on the merit of the matter, but once it has been informed that the matter is under consideration by the Ministry of Finance, we deem it improper at this stage to pass any order and go into the details of the same. But in face of the delay that has occurred, it would be appropriate that a direction is given to take a decision within a time-frame work.

6. Accordingly, we dispose of the present application with a direction that respondent No.2 would take a conscious decision within a period of six months from the date of receipt of a certified copy of the order regarding the controversy and convey it to the applicants. No costs.



(V.K. Majotra)
Member (A)



(V.S. Aggarwal)
Chairman

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