

(18)

Central Administrative Tribunal
Principal Bench

New Delhi, dated this the 25th September 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

O.A. No. 907 of 1999

S/Shri

1. Govind Singh,
S/o late Shri Bhupal Singh,
R/o F-135, Moti Bagh,
New Delhi-110021.
2. Daya Chand,
S/o late Shri Shiv Charan
3. Michael Messy N. Balachandran,
S/o Shri C.B. Messy.
4. Ram Lal,
S/o Shri Paras Ram
5. M.C. Panjala,
S/o Shri Jagdish Ram
6. Ram Charan,
S/o Shri Jhabban Lal
7. Om Prakash,
S/o Shri Ram Das
8. Satish Kumar,
S/o Shri Maman Singh
9. R.K. Meena,
S/o Shri Sampatram
10. Krishan Lal,
S/o Shri Chandra Singh ... Applicants

(By Advocate: Shri Shri V.S.R. Krishna)

Union of India through

1. The Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Chief Administrative Officer,
Ministry of Defence,
C-II Hutments,
New Delhi-110011.
3. The Secretary,
Ministry of Finance,
North Block,
New Delhi-110011.

... Respondents

(By Advocate: Shri R.N. Singh proxy
counsel for Shri R.V. Sinha)

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2. O.A. No. 914 of 1999

S/Shri

1. B.S. Dixit,
S/o Shri S.N. Dixit,
R/o 248, Sector III,
Pushp Vihar,
M.B. Road,
New Delhi-110017.
2. Brij Lal Choudhary
S/o Shri D.L. Choudhary
3. N. Balachandran,
S/o Shri Nanoo Pillai
4. N.S. Mehta,
S/o Shri H.S. Mehta
5. Vivek Kumar Gupta,
S/o Shri Daya Shankar Gupta
6. Harprasad,
S/o Shri Roop Ram Singh .. Applicants

(By Advocate: Shri V.S.R. Krishna)

Versus

1. Union of India through
the Secretary,
Ministry of Defence,
South Block, New Delhi.
2. The Director,
Technical Development & Production (AIR),
Ministry of Defence,
H Block, New Delhi-110011.
3. The Secretary,
Ministry of Finance,
North Block,
New Delhi-110001. .. Respondents

(By Advocate: Shri R.N. Singh
proxy counsel for Shri Gajendra Giri)

ORDER

S.R. ADIGE, VC (A)

As both these O.As involve common questions of law and fact they are being disposed of by this common order.

2. Applicants in both O.As are Ferro Printers working in different offices/branches in Defence Ministry. They were in the pay scale of Rs.225-308 w.e.f. 1.1.73 revised to Rs.825-1200 w.e.f. 1.1.86. Engineering Drawing Staff in CPWD who were also in the scale of Rs.225-308 filed O.A. No. 74/88 seeking a direction to respondents to grant CPWD Ferro Printers the scale of Rs.260-430 w.e.f. 7.7.1977, the date from which Ferro Printers in BPE, Ministry of Finance had been granted that scale so that pay parity was maintained.

3. That O.A. was disposed of by order dated 28.7.93 (Annexure A-1). In that order it was noticed that Ferro Printers working in DGS&D (Ministry of Supply); Research Design & Standard Organisation of Railways; Delhi Electricity Supply Undertaking; Bureau of Public Enterprises; Director General of Health Services; Ganga Basin Water Resources Organisation etc. had all been accorded the pay scale of Rs.260-430, whereas CPWD Ferro Printers had been accorded the scale of Rs.225-308, consequent upon Third Pay Commission's recommendations effective from 1.1.73. It was conclusively held that the duties, responsibilities and functions of Ferro Printers ^{in C.P.W.D} were similar to the duties, responsibilities and functions of Ferro Printers in other departments and hence they could not be discriminated against. As those who were in the pay scale of Rs.260-430 had been accorded the pay scale of Rs.975-1540 pursuant to the Fourth Pay Commission's recommendations, by order dated 28.7.93 (supra) respondents were directed

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to grant CPWD Ferro Printers also the scale of Rs.975-1540, but this relief was limited to 1.1.88, the date of filing of O.A. No. 74/88.

4. SLP No. 5395/95 filed against aforesaid order dated 28.7.93 was dismissed by the Supreme Court on 15.3.94 (Page 23 of O.A.).

5. Pursuant to the aforesaid order dated 28.7.93, the Directorate General, CPWD issued Office Order dated 15.9.96 revising the scales of CPWD Ferro Printers to Rs.975-1540 w.e.f. 1.1.88.

6. Meanwhile pursuant to the Fifth Pay Commission's recommendations the pay scale of Rs.975-1540 has been revised to Rs.3200-4900 w.e.f. 1.1.96 while the pay scale of Rs.825-1200 has been revised to Rs.2750-4400 w.e.f. 1.1.96.

7. Applicants in both O.As are seeking the scale of Rs.975-1540 granted to CPWD Ferro Printers w.e.f. 1.1.88 and the corresponding revised scale of Rs.3200-4900 1.1.96.

8. Heard both sides.

9. Applicants' counsel Shri Krishna has emphasised that the duties, responsibilities and functions of Ferro Printers working in Defence Ministry are identical with the duties, responsibilities and functions of CPWD Ferro Printers, a fact which the Directorate of Naval

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Architecture has itself acknowledged in its note dated 11.5.2000 (copy taken on record), and if anything the Ferro Printers in Defence Ministry have to undertake certain additional functions as pointed out in that note. As regards the eligibility qualifications for appointment, he points out that in both cases the minimum educational qualification is Matric. or equivalent, with two years experience, and merely because in CPWD the mode of recruitment is 50% by direct recruitment and 50% by promotion from amongst Class IV staff, while in the case of Ferro Printers in Defence Ministry it is 100% by direct recruitment, is not sufficient ⁿ reason to deny parity in pay scales, when other factors are very similar, or the same. It is also emphasised that the financial implications of allowing upgradation in pay scales is only approximately Rs.1.40 lakhs per annum as it is clear from Defence Ministry's note dated 3.8.99 (copy taken on record).

10. Respondents' counsel Shri R.N. Singh, however, invites attention to Para 50.37 of the Fifth Pay Commission's report (Annexure R-1) wherein it has been recommended that these posts be phased out since most of the departments have dispensed with tracing and ferro-printing functions.

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11. Reliance has also been sought to be drawn to Note dated 22.11.20001 from the E-in-C Branch (copy taken on record) wherein the following dissimilarities have been pointed out between the Ferro Printers in CPWD and those in MES:

- (a) Direct induction of matriculate to the extent of 50% at the above post plus 2 years' experience in CPWD which is not so in MES.
- (b) Promotion in MES to the above post is from the post of Daftry and no experience in ferro-printing is laid down and unlike CPWD they are not required to pass any trade test in this regard.

12. In our considered view when respondents themselves admit that the duties and responsibilities of Ferro-printers in Respondents' organisation is no less onerous than that of ferro-printers in CPWD, the slight dissimilarity in mode of recruitment should not by itself be used by respondents to summarily reject applicants' claims for parity in pay scales. We note that ferro-printers in other Ministries/Departments and offices of Govt. of India have been granted the scale of Rs.975-1540 which has subsequently been revised to Rs.3200-4900 w.e.f. 1.1.96, and it is not respondents' case that the mode of recruitment of ferro-printers in all Ministries/Departments and offices of Govt. of India are identical. Very recently we noticed that the CAT, PB in its order dated 29.11.2000 in OA No.20/2000 B.Venkataswamy Vs. Union of India & Others have held that applicant, who was also a ferro-printer drawing Rs.825-12000 was entitled to

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the scale of Rs. 975-1540 revised to Rs. 3200-4900
w.e.f. 1.1.96.

13. However, as the Hon'ble Supreme Court in its judgment dated 9.11.2000 in UOI & Ors. Vs. P.K. Dey JT 2000 (Suppl.2) SC 449 has cautioned Courts/ Tribunals granting such relief straight away in absence of all the relevant materials, we dispose of both OAs with a direction to respondents to reconsider the claim of applicants by a detailed, speaking and reasoned order in accordance with rules and instructions under intimation to applicants within 3 months from the date of receipt of a copy of this order. While doing so respondents will keep in view the relevant materials relating to other comparable employees as to qualifications, methods of recruitment, degree of skills, experience involved in performance of the job, training required, responsibilities undertaken and other facilities, if any provided in addition to pay scales.

14. Both OAs are disposed of in terms of para 13 above. No costs.

15. Let copies of this order be placed in both OAs' case records.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

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/ug/