

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O. A. No. 972/1999

New Delhi, this the 20th day of September, 2002

Hon'ble Shri M. P. Singh, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

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1. A. K. Kapoor
2. J. K. Gupta
3. S. N. Mahindru
4. Navneet Lal & 5. J. M. L. Jain
All working as Draftsman in
TEC at Khurshid Lal Bhavan,
Janpath, New Delhi

.. Applicants

(Shri B. B. Raval, Advocate)

Versus

Union of India, through

1. Secretary
Ministry of Communication
New Delhi
2. Chairman
Telecom Commission
New Delhi
3. Sr. Deputy Director General
K. L. Bhavan, Janpath
New Delhi

.. Respondents

(Shri J. B. Mudgal, Advocate)

ORDER

Shri M. P. Singh, Member (A)

By the present OA, applicants - five in number - have challenged the validity and propriety of the order dated 12.4.1999 by which the respondents have proposed to rectify the higher pay scales granted to the junior and senior Draftsman in TEC and placing them in the pay scale of Rs.4500-7000 and Rs.5000-8000 from the pay scale of Rs.5000-8000 and Rs.5500-9000, respectively.

Signature

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2. The case of the applicant in brief is that there was an anomaly/discrepancy in the pay scales between Draftsman working under the Telecom Board and other wings (Telecom Civil Wing, Telecom Wing and Telecom Electrical Wing). Aggrieved by this, applicants along with other similarly situated persons earlier filed OA No.299/89 which was disposed of with certain directions on 6.3.1991 to the respondents. Thereafter respondents issued an order dated 6.2.92 implementing the judgement in OA 299/89. In the year 1993, respondents issued an order giving higher pay scale to the Draftsmen working in other Wings of Telecom nationally w.e.f. 28.02.1973 with actual payment w.e.f. 16.11.1976 ignoring the Draftsmen working under Telecom Board. Applicants along with others again filed OA 2766/92, which was disposed of by the Tribunal by an order dated 5.12.1994 with certain directions to the respondents. After the recommendations of the 5th Central Pay Commission were accepted by the Government, respondents issued an order dated 15.12.1997 on the subject 'revised pay scale for Draftsman Grade II and Grade I' to the following effect:

"The matter has been examined and approval of DoT is hereby conveyed for the grant of the upgraded scale of Rs. 5000-450-8000 for Draftsman Grade II and scale of Rs.5500-475-9000 for Drafts Grade I with effect from 1.1.1996. Pay fixation etc. may kindly be done accordingly.

This issues with the concurrence of Telecom, Finance vide their U.O.No.3014/97-FA.I dated 11.12.1997."

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3. While the applicants have been getting their salaries as per the pay fixation by the respondents in accordance with the aforesaid order dated 15.12.1997, respondents suddenly issued the impugned order dated 12.4.99, by which the junior and senior draftsmen in TEC were placed in the pay scale of Rs.4500-7000 and Rs.5000-8000 instead of 5000-8000 and Rs.5500-9000 respectively. By the said order, it was also stipulated that over payments made to the applicants towards pay and allowances be recovered. Aggrieved by this, the applicants have filed the present OA with the prayer to quash and set aside the order dated 12.4.99 and to declare the order dated 13.12.1997 as legal and correct as the same dispute has been settled by the Tribunal in applicants' earlier OA Nos.299/89 and 2766/92.

4. This Tribunal by an interim order dated 28.4.99 directed the respondents not to make recoveries from applicants' salary pursuant to the impugned order dated 12.4.99 till next date.

5. Respondents in their reply have contested the OA. While the facts regarding filing of OAs by the applicants along with others referred to above are not disputed, they have stated that the TEC has wrongly fixed the pay of the Draftsmen working in TEC in the revised scale w.e.f. 1.1.1996. Respondents have advised TEC on 12.4.99 to rectify the higher pay scales granted to the Draftsmen in TEC and place them in the correct pay scale, refix the pay and effect recoveries of over payment of pay and allowances made to them. Thereafter, in its final order dated 19.9.2001, this Tribunal disposed of the OA No.972/99 with a direction that in the event the

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applicants make a self contained representation to respondents within one month, respondents should dispose of the same by a detailed, speaking and reasoned order under intimation to applicants in accordance with rules and if any grievance still survives, it will be open to applicants to seek revival of the present OA through an MA.

6. Thereafter respondents passed the order dated 8.11.2001 disposing of the representations of the applicants. Applicants filed MA 2619/2001 for reviving the OA by impugning the aforesaid order dated 8.11.2001 also. By an order passed on 27.11.2001 by the Tribunal it was ordered that no recovery shall be made from the applicants. MA 2619/2001 was also allowed by an order passed on 22.4.2002. That is how the present OA is again before us.

7. During the course of the arguments, the learned counsel for the applicants has drawn our attention to the judgement dated 5.2.2002 in OA 1747/2000 filed by Shri Charan Singh and two others in which order dated 25.8.99 revising the pay scale of Chief Draftsmen was quashed and set aside. The contention of the learned counsel is that the applicants in the present OA are similarly placed to that of applicants in OA 1747/2000 and therefore they are entitled to the same benefit as was granted to applicants in OA 1747/2002. In that OA, respondents were called upon "to reconsider the matter and place the Chief Draftsmen in a scale of pay which obviates the anomalous position. The applicants who are three in number and are stated to have retired from service on superannuation

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between 1993-1997 shall be entitled to consequential benefits flowing therefrom in accordance with rules, instructions and judicial pronouncements on the subject, including revision of pensionary benefits". The learned counsel also has also drawn our attention to the order dated 13.8.2002 by which RA 161/2002 filed on behalf Union of India in OA 1747/2000 was dismissed. He has therefore contented that in view of the above position, the applicants are also entitled to revised pay scales as per order dated 15.12.97 (supra).

8. We have considered this aspect. We find that the applicants in the present OA are similarly placed like that of Shri Charan Singh and others. Therefore we have no reason to take a different view than the one arrived at in OA 1747/2000.

9. Therefore, for the reasons recorded above, the present OA is allowed and the orders dated 12.4.1999 and 8.11.2001 are quashed and set aside. We hold that the applicants are entitled to the revised pay scales as enumerated in respondents' order dated 15.12.1997. Interim order passed on 27.11.2001 is merged with the main order. No costs.

S. Raju

(Shanker Raju)

Member(J)

M.P. Singh

(M.P. Singh)

Member(A)

/gtv/