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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 2464/1996

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri V.K. Majotra, Member (A)

New Delhi, this 27th day of April, 2000

Shri Liloo Singh, s/o
Shri Bholu Singh, r/o
B-189 (Hut), Bhikam Singh,
Colony, Sahadra, Delhi-34
working as Sewerman, in
Civil Construction Wing
(Ministry of I.&B), PTI
Building, Parliament St.
New Delhi-110001.

.....Applicant

(By: Advocate Sh. T.C. Aggarwal)

Versus

1. Union of India, through
The Secretary,
Ministry of Information &
Broadcasting, Shastri Bhawan,
New Delhi-110001.

2. The Chief Engineer,
Civil Construction Wing,
(Dte. General All India Radio)
P.T.I. Building, Parliament St.,
New Delhi-110001

.....Respondents

(By: Advocate Sh. R.V. Sinha)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Member (A)

The applicant was appointed under respondent 2, in 1991 as Sewerman. He claims that he is governed by the CPWD service conditions applicable to the work charged staff. The question of re-categorisation/re-classification of work charged staff was in dispute and the matter was referred to 'Arbitration!'

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The arbitration award finally adjudicated by the Hon'ble High Court of Delhi and subsequently the related SLP being dismissed by the Hon'ble Supreme Court and the same becoming final CPWD, vide OM dated 16.11.1993, Annexure A-1 made the award applicable. The sewerman (item No. 12 of the order) was allowed the scale of Rs 950-1500 w.e.f. 1.1.1986 alongwith arrears of pay. The applicant has referred to order, dated 15.10.96 of this Tribunal in O.A. 2229/96 filed by Sh. Ram Vir & Ors. Vs. Union of India & Ors. contending that the applicants therein were entitled to get the relief as per the terms and conditions the employees of CPWD. In that case the respondents were directed to consider the detailed representation of the applicants and pass a speaking order within a period of 4 months. The applicant has also presented a copy of order dated 24.3.1998 issued by Ministry of Information & Broadcasting (M.I.&B. for short) where applicants in O.A. 2229/96 were accorded pay scales of Rs 3200-4900 in place of Rs 2750-4000 w.e.f. 10.10.1996. It has been stated that the Director General, All India Radio vide their memo dated 22.7.94 (Annexure A-2) had recommended to M.I.&B. to implement the award dated 23.1.1986 as modified by the judgement of the Hon'ble Delhi High Court dated 28.1.1992 in respect of all the Lift Operators of CCW AIR recommending that they should be paid scale of Rs 260-400 w.e.f. 1.1.1973 to 31.12.1985 and scale of Rs 800-1150 w.e.f. 1.1.1986 alongwith payment of arrears for period 1.4.81 to 30.11.87. These recommendations were repeated in memo dated 17.2.95 of the Superintending Surveyor of Works CCW addressed to the M.I.&B. It has also been pleaded that the work charged employees of CCW are the replica of those of CPWD and are governed by the same

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terms and conditions of service. Therefore, it would be violation of the provisions of Article 14 & 16 of the Constitution if work charged employees of CCW are discriminated against vis-a-vis those of the CPWD. The applicant has sought direction to the respondents for sanctioning revised pay as per the arbitration award as given in, Annexure A-1 with arrears alongwith interest @ 18%.

2. In counter the respondents have communicated that CCW, AIR, follows the norms of the CPWD, only as guidelines. The CPWD is a large organisation in comparison to CCW, AIR and hence the service conditions for CCW are different, and as such the Courts/Tribunals' orders in matters of CPWD are not at all binding on CCW AIR. As regards the arbitration award referred to above in the matter of re-categorisation/re-classification of work charged staff in CPWD the respondents have stated that the same is not applicable in the matter of the staff of CCW. The respondents have also denied any discrimination against the applicant and also violation of any article of Constitution of India.

3. The applicant has also filed rejoinder.

4. We have heard the learned counsel of the parties and examined the material available on record carefully .

5. MI&B vide their memo no. 28011/1/75-CW III ED dated 20.11.1975 have conveyed the terms and conditions of the work charged staff working in the CCW, AIR. It is apparent that in the beginning CCW was created on engagement of the work charged staff from CPWD on transfer on the same terms and conditions as applicable to the work charged staff in the CPWD. The learned counsel for the applicant has drawn our

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attention to, Annexure A-3 which is an extract of AIR manual related to the work charged staff. According to these provisions "the workcharged establishment exists in CCW filed offices only. For the recruitment, pay scale and other rules CPWD Manual Vol.III is applicable to them". Annexure A-4 appended with the rejoinder are minutes of the meeting held by Director General, All India Radio, with representative of the AIR Civil Construction Wing Employees Union on 4.12.1980 in which it was explained by the DGIR to the union representative that "AIR Manual did not contain any provision in regard to work-charged establishment on which most of its constituents were borne and the CCW being a replica of the CPWD, provisions of the CPWD Manual would have to be applied to them". He also referred to Annexure A-5 filed with the rejoinder regarding implementation in CCW of the judgement of the Hon'ble Supreme Court dated 17.1.86 in the case of Surinder Singh & Ors. Vs. Union of India. In this memo the daily rated workers of CCW have been authorised payment of same salary and allowances as available to those working in the CPWD on the principle of equal pay to equal work.

6. The learned counsel of the respondents stated that the award in the case of workers in the CPWD is not applicable to those in the CCW, AIR. The applicant was not a party to the matter in that petition thus the terms and conditions of the award are not applicable in the applicant's case. He further contended that CPWD is a much larger establishment than the CCW, AIR and therefore the terms and conditions applicable to the work charged establishment in the CPWD are not at all applicable in the case of work charged staff

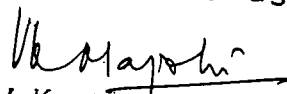



of CCW. He also submitted that the applicant had submitted his representation for the first time on 31.8.1995, Annexure A-3 and therefore if at all his claim is accepted he can not be granted arrears. He also contended that no reliance can be placed at Annexure A-2 which is an internal communication between DGAIR and MI&B.

7. The relevant provision 3.5.17 regarding to work-charged establishment in the AIR Manual (Annexure A-3) clearly establishes that provisions of CPWD Manual are applicable in matters of recruitment, pay scales and other rules to the work-charged establishment in CCW. This provision is further interpreted in the aforesaid memo dated 20.11.75, Annexure A-4 suggesting that CCW is a replica of CPWD and the provisions of the CPWD Manual are applicable to the work-charged establishment of CCW. This concept has been accepted in the order dated 15.10.96 passed in O.A. 2229/96 by this Tribunal. No doubt the arbitration award referred to above in the O.A. related to the employees of the work-charged in CPWD, yet since the duties and functions of the work-charged staff of CPWD and CCW AIR being identical their terms and conditions have also to be the same as per the provision under AIR Manual read with CPWD Manual. The applicability of the terms and conditions of the arbitration award referred to above to the applicant's case would be quite in order. We also notice that in pursuance of Tribunal order dated 15.10.96 in O.A. 2229/96 the pay scales of 9 applicants of that O.A. working as Ferro Printers in CCW have been revised w.e.f. 10.10.96 by the respondents. Earlier also as per Annexure A-5 dated 20.3.91 DGAIR had implemented the judgement of the Hon'ble Supreme Court dated 17.1.86 in the case of Surinder

Singh's (supra) in respect of the daily rated work-charged staff in CCW on the principle of equal pay for equal work etc.

8. Having regard to the above discussion and reasons, we are convinced that the applicant who is a Sewerman in CCW AIR should also be accorded the same treatment for matter of pay and allowances as his counter part in CPWD. Similiarly, he must also get the benefits of revision in pay and allowances from time to time in terms of Annexure A-2. The respondents are therefore directed to sanction the revised pay and allowances to the applicant by applying the same principles, terms and conditions as enuniciated in Memo dated 20.12.93, Annexure A-1. However, claim of interest of the applicant is rejected. The respondents should take the necessary action within a period of 3 months from the receipt of the copy of this order. No order as to costs.


(V.K. MAJOTRA)
Member (A)


(SMT. LAKSHMI SWAMINATHAN)
Member (J)

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