

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 222/1997

New Delhi this the 4th Day of December 2000

Hon'ble Shri S.R.Adige, Vice Chairman (A)  
Hon'ble Dr.A. Vedavalli, Member (A)

B.K. Sarkar,  
S/o Late Shri D.N. Sarkar,  
R/o Quarter No. 299, Type III,  
Sector I, Sadiq Nagar,  
New Delhi.

Applicant

(By Advocate: Shri Shayam Lal)

Versus

Union of India, through

1. Its Secretary,  
Ministry of Urban Development and  
Employment,  
Nirman Bhawan, New Delhi
2. The Director General of Works,  
Central Public Works Department,  
Nirman Bhawan,  
New Delhi.

Respondents

(By Advocate: Shri S. Mohd. Arif)

O R D E R (Oral)

Hon'ble Shri S.R. Adige, Vice Chairman (A)

Applicant impugns respondents' order dated February 1999 denying extention of the benefits of order dated 8.10.1991 in OA T-1025/85 D.K. Dasgupta vs. Union of India and Ors. to himself.

2. We have heard applicant's counsel Shri Sohan Lal and respondents' counsel Shri S. Mohd. Arif.
3. The main reason why respondents have denied applicant the benefit of pay-fixation under FR22 (1)(a)(i) is because, according to them, the pay-scale of Draughtsman Grade II, which applicant was initially holding, and which earlier was in a lower pay-scale than that of JE, ~~was~~ but later brought at par with the pay-scale of JE, ~~is~~ pursuant to the Arbitration Award

(16)

retrospectively w.e.f. 1.1.1973, did not involve assumption of high duties and responsibilities upon applicants subsequent appointment as JE.

4. This very issue happened to be considered by CAT, Principal Bench in its order dated 8.10.1991 in T-1025/85 D.K.Dasgupta Vs. Union of India & Ors in which it was conclusively held that the post of Junioir Engineer was not only a promotional post from that of Draughtsman Grade II, but also carried higher dues and responsibilities than those of Draughtsman Grade II. Nothing has been shown to us to establish that the Tribunal's aforesaid Order in D.K.Dasgupta's case (supra) was stayed, modified or set aside. Under the circumstances, we hold that the aforesaid finding in D.K.Dasgupta (Supra) would be squarely applicable to the present case.

5. In the result, this OA succeeds and is allowed to the extent that respondents are directed to extend the benefits of the aforesaid order in D.K.Dasgupta's case (Supra) to the applicant in the present case. Applicant will be entitled to consequential financial and other various benefits in accordance with rules and instructions w.e.f. the date of that order, that is 8.10.1991. These directions should be implemented within three months from the date of receipt of a copy of this order. No costs.

A.Vedavalli  
(Dr.A. Vedavalli)  
Member (J)

S.R. Adige  
(S.R. Adige)  
Vice Chairman (A)

\*Mittal\*