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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A. No. 15/94

New Delhi 24 October, 1994.

HON'BLE MR. S. R. ADIGE, MEMBER (A)

1. Shri Bhagat Singh Bhatia,
s/o Late Shri Ishar Singh,
aged 56 years, Sr. Draftsman (Gr. I),
Office of the Land & Development
Officer, Ministry of Urban Development,
Govt. of India, Nirman Bhawan,
New Delhi.
2. Shri Anand Prakash Sood,
s/o Shri Jagjit Rai Sood,
Aged 50 years, Jr. Draftsman (Gr. II),
Office of the Land & Development Officer,
Ministry of Urban Development,
GOVT. of India,
Nirman Bhawan, New Delhi.Applicants.

By Advocate Shri M. L. Chawla.

Versus

1. Union of India, through the
Secretary to the Govt. of India,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi - 110003.
2. The Director (Housing),
National Buildings Organisation (NBO)
Ministry of Urban Development,
Govt. of India, Nirman Bhawan,
New Delhi - 110003.
3. The Land & Development Officer,
Officer of the Land & Development Officer,
Ministry of Urban Development,
Govt. of India,
Nirman Bhawan,
New Delhi - 110003Respondents.

By Advocate Shri N. S. Mehta.

JUDGMENT

In this application, Sarv Shri B. S.
Bhatia and A. P. Sood, Senior Draftsman (Gr. I) and
Junior Draftsman (Gr. II) respectively in the
Land & Development Office, Urban Development
Ministry, have prayed for pay fixation in the

scale of Rs.1600-2660 and Rs.1400-2300 respectively in terms of the Arbitration Board Award, and various CAT judgments including the one dated 10.4.92 in Lal Chand Vs. UOI, bearing O.A. No.608/86 (Annexure-A1) which has been denied to them vide O.M. dated 15.11.93 (Annexure-A). Action being taken by the respondents to refix the applicant's pay, and effect recoveries vide O.M. dated 27.3.90 (Annexure-A9) has also been impugned and interest at the rate of 15% p.a on the delayed payment with other consequential and attendant benefits.

2. Both the applicants, who possess National Trade Certificates (NTC) from the National Council for Training in Vocational Trades under the Labour Ministry, GOI commenced their service in the National Building Organisation (NBO), Urban Development Ministry. Applicant No.1, who was appointed as a Junior Draftsman substantively on 7.12.70, was promoted as Sr. Draftsman on adhoc basis w.e.f. 24.5.80 and on temporary basis against a longe term vacancy w.e.f. 21.12.85. Similarly, applicant No.2, who commenced service as Tracer, was promoted to officiate as Junior Draftsman w.e.f. 30.9.82, and was appointed substantively as Junior Draftsman on 1.10.74. Consequent to the IV Pay Commission recommendations, the pay of applicant No.1, who was drawing Rs.610/- in the scale of Rs.550 -750/- was fixed at Rs.1800/- in the scale of Rs.1600-2600 w.e.f. 1.1.86 and the pay of applicant No.2, who was drawing Rs.500/- in the scale of Rs.425-700 was fixed at Rs.1520/- in the scale of Rs.1400-2300

w.e.f. 1.1.86.

3. The applicants state that they were drawing pay in these scales upto 1989-90, but all of a sudden, without giving them an opportunity to show cause, their pay was refixed vide order dated 27.3.90 (Annexure-A9). They represented against the refixation and sought stay of recoveries amounting to Rs.16,531/- and Rs.2,418/- respectively, ^{and the} recoveries were stayed for the time being. On 12.10.92, they were transferred along with their posts to the Land & Development Office under the same Ministry and after joining that office, they submitted representations in December, 1992 seeking a declaration that the order dated 27.3.90 refixing their salaries, is null and void and they be allowed to continue in their respective pay scales. They state that although there was assurance in the impugned order dated 15.11.93 that the question of revision of pay scales of Draftsman in General is under consideration with the National Council of JCM, they allege that this matter is being unnecessarily delayed.

4. Further more, it is stated that in terms of the award of Board of Arbitration, the pay scales of Draftsman Grade III, II and I have been revised and the sanction/decision of the President of India was conveyed to extend the benefits of the Award to all the Govt. of India Offices/departments, and, therefore, the respondents cannot tamper with the pay scales already granted in 1984-85, and that too with the retrospective effect. It is also stated that the case of the applicants is on all fours with the case of Lal Chand Vs. UOI, bearing O.A. No. 608/90

which was decided by the Tribunal on 10.04.92 and in which the relief prayed for by the applicant was granted.

5. The respondents in their reply state that the question of revision of draftsman pay scale in general is under consideration before the JCM National Council and a final decision can be taken only after matter was decided there. In view of this it cannot be said that the applicant's representation has been finally rejected. It is further stated that while it is ~~true~~ ^{true in} that the applicant possess National Trade Union Certificate from the NCTR under the Labour Ministry, GOI, the qualification prescribed for the post of draftsman in NBO do not exactly match with those of the PWD draftsmen.

6. I have heard Shri Chawla for the applicant and Shri Metha for the respondents and have also carefully perused the materials on record. Fin. Ministry's O.M. dt. 13.3.84 (Annexure A-1) extends the pay scale of C.P.W.D. D'men Gr III, II & I to D'men Gr III, II, & I working in other GOI Deptts/ Offices provided they possess similar recruitment qualifications (Emphasis supplied). The word, used is similar, and not a ^uexactly matching. Admittedly the recruitment qualification prescribed in the case of C.P.W.D. Draftsman is a Certificate or Diploma in Draftsmanship (Civil) from a recognised institution of not less than

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2 years. Both the applicants before me hold a National Trade Certificate in Draftsmanship (Civil) from the NCTVT under the Labour Ministry GOI of duration (including six months in plant training in respect of applicant No.1) exceeding 2 years. In Labour Ministry's letter dt 25.9.87 addressed to Shri J.P. Sharma, Draftsman Deptt of Lighthouse & Ships, it has been stated that this National Trade Certificate is deemed to be equivalent to this diploma in Craftsmanship in the trade of d'man(Civil) awarded by the Dte General of Recruitment (now Dte Gen. of Emp & Trg) to the trainees admitted under the Craftsman/Displaced persons Training Scheme before Feb'59, & both the above certificates are recognised for the purpose of recruitment to subordinate posts & services under the Central Govt. It is on that basis that in O.A.No.608/86 Shri J.P. Sharma Vs UOI & Ors decided on 20.12.88 the Tribunal held that diploma in d'man (Civil) was equivalent to the Diploma prescribed for CPWD draftsmen. Furthermore, from the impugned order dated 15.11.93 it is clear that the respondents ^{themselves} ~~to my therefore~~ admit that the applicants are similarly placed with those in Lal Chand & another Vs U.O.I. & Others bearing O.A. No.608/90 decided on 10.4.92 in favour of those applicants, and the only reason why the benefits of that judgement 10.4.92 are not being extended to the two applicants before ^{me} ~~are~~ is because the question of ^{me} ~~is~~

revision of pay scales of D'men in general is under consideration with the JCM National Council.

7. The fact that the general question of the revision of D'men pay scales is separately under consideration is not sufficient ground to abruptly withdraw a ~~monetary~~ benefit that was once ^{given} to the applicants, without as much as a show cause notice. For the reasons stated above, this application succeeds and is allowed. The applicants are held as having recruitment qualifications similar to those prescribed for CPWD draftsman, and the impugned order dt.27.3.90 refixing their salary and ordering recovering to be made as well as the impugned orders dt 15.11.93 denying them the benefit of the judgement in Lal Chands case (Supra) are quashed and set aside. Their pay in the scale prior to the issue of the impugned order dt. 27.3.90 is restored along with consequential benefits ^{in (but without payment of interest)} and any recoveries already made are ordered to be refunded. The ^{directions} decision should be implemented within 3 months from the date of receipt of a copy of this order. No costs.

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(S.R. ADIGEY)
MEMBER (A)

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