

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1695/2000

This the 20th day of September, 2002.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Praveen Kumar Saini S/O Om Prakash Saini,
artist, Planning Commission,
539, Yojna Bhawan, Sansad Marg,
New Delhi-110001. Applicant

(By Shri S.N.Anand for Shri S.K.Das, Advocate)

--versus--

1. Union of India through
Secretary, Ministry of
Statistics & Programme Implementation,
Sardar Patel Bhawan, Sansad Marg,
New Delhi-110001.
2. Secretary,
Department of Expenditure,
Ministry of Finance, North Block,
New Delhi-110001. (i)

... Respondents

(By Shri P.P.Relhan for Shri J.B.Mudgil, Advocate)

O R D E R

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

Applicant has challenged Annexure A-1 dated 24.12.1999 whereby his representations dated 18.11.1998 and 2.12.1999 for allotment of upgraded pay scale of Rs.5000-8000 in place of the existing pay scale of Rs.4500-7000 to the post of Artist has been rejected declining examination of the issue on the basis of horizontal and vertical relativities with reference to posts outside his organisation. It has also been stated by respondents in Annexure A-1 that the duties in other organisations are different than the duties being performed by applicant.

2. Applicant was appointed as Senior Draftsman in the Ministry of Statistics and Programme Implementation in the pay scale of Rs.1200-2040 on 4.9.1986. He was promoted to the next higher grade in the pay scale of Rs.1400-2300 (pre-revised) w.e.f. 28.5.1993 (Annexure A-4). Referring to Central Civil Services (Revised Pay) Rules, 1997 on the basis of the recommendations of the Fifth Central Pay Commission (CPC), Part-B relating to pay scales for certain common categories of staff in organisations outside the Secretariat (Sl. No.X - Drawing Office Staff), the learned counsel stated that in terms of paragraph 50.37 of the Report, Draftsman Grade-II/Senior Draftsman who were in the pay scale of Rs.1400-2300 were to be provided revised pay scale of Rs.5000-8000, but applicant has been placed in the pay scale of Rs.4500-7000 by his Ministry. The learned counsel further stated that applicant's counter-parts in various other Ministries/Departments such as Department of Economic Affairs and Department of Rural Development who have similar duties as Senior Draftsman/Draftsman Grade-II, while the nomenclature of applicant's post is Artist in the Ministry of Statistics and Programme Implementation, have been placed in the revised pay scale of Rs.5000-8000 whereby applicant has been discriminated against. While his qualifications are the same as Draftsman Grade-II/Senior Draftsman in other Departments and his duties are similar to theirs, he is not getting the same pay and has not been placed in the same pay scale as they. Applicant has enumerated his duties in his capacity as Artist in the Ministry of Statistics and Programme Implementation in paragraph 4.7 of the OA.

Duties and responsibilities of Senior Draftsman in the Department of Economic Affairs have been enumerated in paragraph 4.8 of the OA. It has been alleged that though qualifications, duties and responsibilities in various Departments and Ministries for the post of Senior Draftsman are similar to those of applicant, applicant has not been given the pay scale of Rs.5000-8000 despite recommendations of the Fifth CPC made in paragraph 50.37 of Chapter 50 of the recommendations of the Fifth CPC (Annexure A-14). In paragraph 50.36 it has been stated, "There is no uniformity in the designations and promotion prospects of Draftsmen in different Ministries/Departments." In paragraph 50.37, the CPC has made the recommendation that there should be identical pay scales for posts with identical recruitment qualifications and that there should be uniform eligibility criteria for promotion in the cadre of Draftsmen.

3. The learned counsel of respondents stated that the post of Artist does not exist in any Ministry/Department of the Government excepting in the Ministry of Statistics and Programme Implementation where applicant is working. The learned counsel stated that neither the Fifth CPC has recommended the pay scale of Rs.5000-8000 for the post of Artist in the Ministry of Statistics and Programme Implementation nor is the post of Artist similar to the post of Draftsman in other Ministries/Departments. The learned counsel stated that the pay scales have been formulated after due deliberations by the Fifth CPC which is an expert body and the Tribunal

should not interfere with the recommendations of the expert body.

4. We have considered the rival contentions and find that respondents have not been able to bring out any considerable difference in the qualifications, duties and responsibilities of applicant as Artist with Senior Draftsman in other Ministries/Departments. The Fifth CPC has accepted that there is no uniformity in the designations and promotion prospects of Draftsmen in different Ministries/Departments. They have also recommended that there should be identical pay scales for posts with identical recruitment qualifications and also that there should be uniform eligibility criteria for promotions in the cadre of Draftsmen. It is true that the Fifth CPC has not specifically mentioned or deliberated upon the post of Artist in the Ministry of Statistics and Programme Implementation. We are also conscious that the Tribunal should ordinarily not interfere with the pay scales of Government servants. It is the Pay Commission which goes into the issues of comparative qualifications, functions and responsibilities, hierarchies and pay scales. However, here, we are faced with a case where although the nomenclature of applicant's post is different than Senior Draftsman, he appears to be having the same qualifications ^{and duties} as Senior Draftsman but whereas Senior Draftsman in various Ministries/Departments have been accorded the pay scale of Rs.5000-8000 on the recommendations of the Fifth CPC, applicant has been pegged down to the scale of Rs.4500-7000. We find that

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although the Fifth CPC has generally recommended the desirability of uniformity of pay scales and opportunities of promotion for Draftsmen by whatever nomenclature they may be known as, there is no specific recommendations for the post of Artist in the Ministry of Statistics and Programme Implementation.

5. In the facts and circumstances and in the interest of justice, this OA is disposed of with the following directions to respondents :

- (1) Applicant may make a comprehensive representation to respondent No.1 regarding his claims within a period of one month from the date of receipt of a copy of this order.
- (2) Respondent No.1 shall constitute a committee comprising Joint Secretary, Department of Expenditure; Joint Secretary, Department of Personnel & Training; and Joint Secretary, Ministry of Statistics and Programme Implementation, to consider and make recommendations on the representation made as per (1) above after comparing the qualifications, duties and responsibilities, opportunities of promotion, etc. of the Artist in the Ministry of Statistics and Programme Implementation with those of Senior Draftsman of other Ministries/Departments. This committee shall make its recommendations within a period of three months of the date of applicant's representation.

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(3) Respondents shall take a final decision on the claims preferred by applicant after taking into consideration the recommendations of the committee constituted in terms of (2) above within a period of two months from the date of the recommendations of the aforesated committee.

No costs.

S. Raju

(Shanker Raju)
Member (J)

V. K. Majotra

(V. K. Majotra)
Member (A)

/as/

fresh MR for action of this sub CO