

Central Administrative Tribunal
Principal Bench

O.A. No. 1747 of 2000

(11)

New Delhi, dated this the 5th February, 2002

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

1. Shri Charan Singh,
S/o late Shri Jiram Singh,
Retd. Chief Draughtsman,
R/o Village Badalpur,
P.O. Dhoom, District Gautam Budh Nagar,
Uttar Pradesh.
2. Shri O.P. Tank,
S/o late Shri Panna Lal,
Retd. Chief Draughtsman,
R/o Silani Gate,
Jhajjar, Haryana.
3. Shri P.S. Bhatnagar,
S/o late Shri B.S. Bhatnagar,
Retd. Chief Draughtsman,
R/o 165, Star Apartments,
Sector-IX, Rohini,
Delhi-110085. Applicants

(By Advocate: Shri R.N. Singh)

Versus

Union of India through
the Secretary,
Dept. of Telecommunications,
Ministry of Communications,
Sanchar Bhawan,
Ashoka Road,
New Delhi-110001. Respondent

(By Advocate: Shri Inderjit Singh
proxy counsel for Shri Rajinder Nischal)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicants impugn Respondents' order dated 25.8.99 (Annexure A) revising their pay as Chief Draughtsmen in Department of Telecommunication to Rs. 5500-9000 w.e.f. 1.1.1996, which ^{They?} ~~allege~~ is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution. Applicants seek revision of the aforesaid pay scale with

consequential benefits.

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2. We have heard applicants' counsel Shri R.N. Singh and Respondents' proxy counsel Shri Inderjit Singh.

3. Pleadings reveal that draughtsmen in Telecom Department were placed in the following pay scales under Third and Fourth Pay Commission.

Designation	3rd CPC	4th CPC
Chief Draughtsman	Rs.550-750/-	Rs.1600-2660/-
Sr. Draughtsman	Rs.425-700/-	Rs.1400-2300/-
Jr. Draughtsman	Rs.330-560/-	Rs.1200-2060/-

4. Consequent on the implementation of the Tribunal's order dated 6.3.1999 in O.A. No. 299/89 P.S.Bhatnagar Vs. Union of India the pay scales of the two lower grades of draughtsmen in Telecom Department were revised w.e.f. 13.5.1992 as under:-

Designation	Revised pay scale w.e.f. 13.5.1982	Revised pay scale w.e.f. 1.1.1986
Sr. Draughtsman	Rs.550-750/-	Rs.1600-2660/-
Jr. Draughtsman	Rs.425-700/-	Rs.1400-2300/-

5. Consequent upon the revision of pay scale of ^{the} two grades of draughtsman as above, which brought the pay scale of the Sr. Draughtsman in the scale of

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Rs. 1600-2660 on par with that of Chief Draughtsman who was also in the pay scale of Rs. 1600-2600, O.A. No. 169/96 was filed by Shri Charan Singh and others for placement in the higher scale of Rs. 2000-3500. The aforesaid O.A. was disposed of by the Tribunal vide order dated 9.6.97 with the following directions:

"Respondents to examine the representation made by the applicant, including the facts stated in this O.A. in the light of the recommendations of the 5th Pay Commission and give a reply to the applicant as soon as possible. They may do so by a reasoned and speaking order."

6. Pursuant to the aforesaid directions, and in the background of the recommendations of the 5th Central Pay Commission, Respondents have now passed orders dated 25.8.1999 which are impugned in the present O.A.

7. Respondents' counsel Shri Inderjit Singh has not denied that Senior Draughtsmen are presently in the scale of ~~Rs. 5500-9000~~ and Chief Draughtsmen are also in the same pay scale i.e. ~~Rs. 5000-9000~~. It is also not denied that the post of Chief Draughtsman is a promotional post for Sr. Draughtsmen. In other words the supervisor as well as the supervised are in the same pay scale of ~~Rs. 5500-9000~~. Apart from this anomalous situation it is manifest that by placing the Sr. Draughtsman as well as the Chief Draughtsman in the same pay scale of Rs. 5500-9000, unequal have been treated equally, which is violative of Articles 14 and 16 of the Constitution.

*Conceded under order
Dt. 7.3.02
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8. Respondents in the impugned order dated 25.8.99 have contended that the Chief Draughtsman in Telecom Department can be equated with the Draughtsman Grade I in C.P.W.D. and other departments, but this situation overlooks the fact that within the Telecom Department, itself an anomalous situation has been created by placing Chief Draughtsman the same pay scale as Sr. Draughtsman.

9. Under the circumstances the impugned orders dated 25.8.99 are quashed and set aside, to the extent that it has placed Chief Draughtsman in the same pay scale as ^{Senior} Chief Draughtsman i.e. Rs.5500-9000 w.e.f. 1.1.96. Respondents are called upon to reconsider the matter and place the Chief Draughtsman in a scale of pay which obviates the aforesaid anomalous position. Applicants who are three in number and are stated to have retired from service on superannuation between 1993-1997 shall be

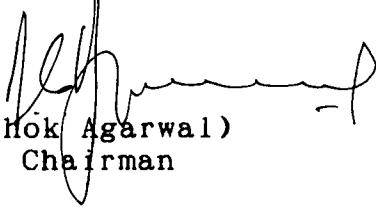
Corrected under
order dt 7-3-92

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entitled to consequential benefits flowing therefrom in accordance with rules instructions and judicial pronoucements on the subject, including revision of pensionary benefits. No costs.

10. M.A. 2121/2000 for joinder of party is allowed.



(Ashok Agarwal)
Chairman



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

karthik