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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2321/2000

Wednesday, this the 25th day of April, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri R.N.Kapoor
S/O Lt. Sh. Kesho Nath Kapoor
R/O B-170, Subhadra Colony,
Sarai Rohilla, Delhi-52.

Working as Draughtsman Gr-I,
AD System/MISCo-Co-ord,
West Blocki-III,
R.K.Puram, New Delhi-110066.

..Applicant.

(By Advocate: Shri M.K.Gupta)

VERSUS

1. Union of India
the Secretary,
Ministry of Defence,
New Delhi-1.

2. The Joint Secretary (Training & CAO),
C-II Hutmants,
Dalhousie Road,
New Delhi-11.

..Respondents

(By Advocate: Shri S.M.Arif)

O R D E R (ORAL)

By Hon'ble Shri S.A.T. Rizvi, M (A):

Heard the learned counsel and glanced through the documents.

2. The applicant working in the Ministry of Defence was placed in the revised scale of Rs.330-560/- w.e.f. 1.1.1973. He was then Draughtsman Gr. III. Later, he was promoted to the pay scale of Rs.425-700/- w.e.f. 30.4.1981 and the designation given was Draughtsman Gr. I. In course of time, the pay scales applicable to Draughtsmen in the various Departments of the Govt. of India were revised vide OM dated 13.3.1994 (Page 13 of the paper book). The same provided for three grades of

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Draughtsman, namely, Draughtsman Grade III in the revised pay scale of Rs.330-560/-, Draughtsman Grade II in the pay scale of Rs.425-700/- and Draughtsman Grade I in the pay scale of Rs.550-750/-. The aforesaid OM was to be applied to the Ministry of Defence as well as the other Departments of the Govt. of India, excluding the CPWD on condition that recruitment qualifications in force in the Ministry of Defence and the other Departments were to be similar to those prescribed in respect of the CPWD.

3. Since the recruitment qualifications in vogue in the Ministry of Defence were not similar to those of the CPWD, it was not possible to upgrade the designations as well as pay scales in respect of Ministry of Defence. However, after a lapse of nearly 10 years, the Govt. of India relaxed the aforesaid condition of similarity in recruitment rules and provided for the grant of higher pay scales subject to Draughtsmen in various grades completing different periods of service in lower grades as specified in the aforesaid OM dated 19.10.1994. The applicant had been placed in the pay scale of Rs.425-700/- (pre-revised) which was revised to Rs.1400-4300/-. In accordance with the provisions made in the aforesaid OM, the applicant could be placed in the still higher scale of Rs.1600-2660/- meant for Draughtsman Gr. I under the new pattern on completion of four years of service in the lower grade, i.e., in the pay grade of Rs.425-700/-. We have already noted that the applicant was placed in the pay grade of Rs.425-700 w.e.f. 30.4.1981. Thus he completed the prescribed period of four years on 30.4.1985 and was accordingly

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correctly considered for being placed in the aforesaid scale of Rs.1600-2660/- on completion of four years.

4. The learned counsel appearing for the applicant has drawn our attention to what is contained in para 4 of the aforesaid OM of 19.10.1994. We have perused the same and find that the benefit extended by the aforesaid OM was required to take effect from 13.5.1982 on notional basis and actual financial benefit was to flow w.e.f. 1.11.1983. Thus clearly in terms of the decision contained in the aforesaid OM of 19.10.1994, the same benefit of higher pay scale of Rs.1600-2660/- extended to the applicant has to take effect from 13.5.1982 notionally and from 1.11.1983 actually.

5. In their pleadings placed on record, we find, the respondents have not been able ^{to successfully} to explain as to how the benefit of pay upgradation was made available to a junior to the applicant from an earlier date. We are, however, not seriously bothered about that aspect of the matter but all the same we would like to direct the respondents to go into this question and see for themselves what can be done to rectify the situation in case higher pay grades have actually been given in breach of the provisions made in the aforesaid OM of 19.10.1994 and the other relevant rules and instructions. We accordingly leave it to the respondent-authority to do as directed ^{as} in course of time.

6. Meanwhile, we find merit in the OA which is partly allowed by directing the respondents to grant to

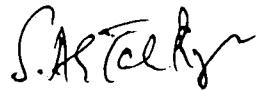
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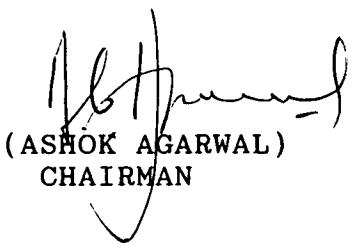
the applicant the pay scale of Rs.550-750/- w.e.f 13.5.1982 in terms of the OM dated 19.10.1994 within a period of three months from the date of receipt of a copy of this order. The applicant will also be entitled to all the consequential benefits.

7. The OA is disposed of in the aforesated terms.

No costs.



(S.A.T. RIZVI)
MEMBER (A)
(sunil)



(ASHOK AGARWAL)
CHAIRMAN