

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA NO. 1525/1989

Date of Decision: 31.12.89

Shri J.C. Bajaj & Others

...Applicants

Versus

Union of India & Ors.

...Respondents

Coram:

THE HON'BLE MR. JUSTICE AMITAV BANERJI, CHAIRMAN

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

For the Applicants

Shri B.B. Srivastava,  
Counsel.

For the respondents

None

(Judgement of the Bench delivered by  
Hon'ble Mr. I.K. Rasgotra, Member (A))

S/Shri J.C. Bajaj, J.C. Talwar and Bishamber Dayal, working as Draftsmen in the Ministry of Surface Transport have filed this application under Section 19 of the Administrative Tribunals Act, 1985 challenging the denial of grant of pay scale of Rs.425-700(pre-revised) instead of pay scale of Rs.330-560. They have challenged the following orders:

- i. No.A.26016/1/89-Estt. (Annexure A-2) dated 7.7.1989.
- ii. No. Estt/EPT/92/78 (Annexure A-3) dated 18.5.1989.

Prior to 1.1.1973 the posts of Draftsman in the Ministry of Surface Transport were carrying the pay scale of Rs.205-280. The Third Pay Commission however recommended Rs.300-560 and Rs.425-700 for the posts of Draftsman in the ratio of 50:50. The Commission also observed that there were a large number of scales prevalent in the cadre of Draftsmen and suggested

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rationalisation on introduction of five scales of pay with qualifications as under:-

| Level     | Proposed scale<br>(Rs.) | Qualifications<br>for direct<br>recruitment                    |
|-----------|-------------------------|--|
| I . . .   | 260-430                 | Matric plus one year's experience.                             |
| II . . .  | 330-560                 | Matric plus 2-year diploma in draftsmanship or its equivalent. |
| III . . . | 425-700                 | Matric plus 3-year diploma in engineering or its equivalent.   |
| IV . . .  | 550-750                 | Degree in engineering or its equivalent.                       |
| V . . .   | 700-900                 | Degree in engineering or is equivalent with experience.        |

The replacement of pay scale of Rs.205-280 in two scales viz. Rs.330-566 and Rs.425-700 was challenged by certain Draftsmen in P. Savita Vs. UOI & Ors. AIR 1985 SC 1124. The Hon'ble Supreme Court observed that there was no basis for the classification in two groups of the Draftsmen carrying the same duties and responsibilities. The Court accordingly set aside the judgement of the High Court and directed the Union of India to fix the scale of pay of the appellants in the scale of Rs.425-700. The same issue came up before the Tribunal in the case of P.K. Taneja & Ors. v. UOI & Another in T-194/85 when the Tribunal ordered that:-

"The denial of higher scale of pay of Rs.425-700 to the petitioners who are Sr. Draughtsmen is, therefore, wholly unjustified. The impugned Notification No.315 dated 9.12.1974 under which Sr. Draughtmen were partly given the pay scale of Rs.425-15-500-EB-15-560-20-700 and partly Rs.330-10-380EB-12-500-EB-15-560, in

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so far as it denies the pay scale of Rs.425-700 to all the Senior Draughtsmen is void and is accordingly quashed to the extent that it permits the admission of some of the Sr. D'men to the lower pay scale of Rs.330-560. There shall be a direction that all the D'men, including the petitioners are entitled to the higher scale of Rs.425-700 from the day they were promoted as Sr. D'men. Accordingly the petitioners and all those similarly placed will be entitled to the higher scale of pay and all consequential benefits including arrears with effect from the date they were promoted as ~~Sr.~~ Sr. D'men and the recommendation of the Third Pay Commission became effective."

Similar issue was again dealt with in the case of J.P. Sharma & Ors.v. UOI & Anr. OA 301/86 by the Tribunal in its judgement delivered on 10th June, 1988 when the Tribunal ordered that the benefit of the revised pay in the scale of Rs.425-700 should be allowed to the applicants w.e.f. 1.1.1973 and that the arrears of salary should be given to them w.e.f. the same date. In the present case applicant No.1 Shri J.C. Bajaj has been denied the benefit of arrears of pay consequent to re-fixation of his pay in the pay scale of Rs.425-700 whereas applicant No.2 Shri J.C. Talwar and applicant No.3 Shri Bishamber Dayal have been denied the benefit of higher scale of pay on the plea that the applicants had been appointed only against the post of Junior Draftsmen in the scale of Rs.330-560.

2. The respondents in their written statement have not disputed the facts of the case. They have

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however stated that there are separate Recruitment Rules for the posts of Draftsman and the posts of Junior Draftsman. The qualifications prescribed for the post of Draftsman are also higher than the qualification prescribed for the post of Junior Draftsman. It is, however, conceded that duties attached to the post of Draftsman and Jr. Draftsman are of identical nature.

3. We have heard Shri B.B. Srivastava, learned counsel for the applicants and gone through the record submitted by the respondents carefully, as none appeared on behalf of the respondents. The Hon'ble Supreme Court in the case of P. Savita & Ors. v. Union of India & Ors. (supra) while referring to their decision in Randhir Singh v. UOI AIR 1982 SC 879 observed that:

"15. The case on hand is much stronger than the facts of the Randhir Singh's case 'AIR 1982 SC 879). In that case, the drivers belonged to two different departments. In this case, the Senior Draughtsmen, divided into two groups are in the same department doing identical and same work. It is not a case of different grades created on the ground of higher qualification either academic or otherwise or an entitlement by any other criteria laid down. The justification for this classification is by the mere accident of an earlier entry into service. This cannot be justified."

We, therefore hold that the applicants are entitled to the same benefits which have been allowed in the case of P.Savita & Ors. v. UOI & Ors. (supra) and J.P. Sharma & Ors. v. UOI & Anr. (supra).

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In the result the application is allowed and the respondents are directed to allow the applicants the higher pay scale of Rs.425-700 from the date they were paid the pay scale of Rs.330-560 or from 1.1.1973 whichever is later and to pay the arrears from the respective dates after fixing their pay in the higher pay scale of Rs.425-700. We further order and direct that the pay of the applicants be fixed in the revised pay scale from 1.1.1986 in the scale of Rs.1400-2300 which is the replacement scale recommended by the Fourth Central Pay Commission.

There will be no order as to costs.

*I.K. Rasgotra*  
(I.K. RASGOTRA)  
MEMBER(A) 31/12/90

*AB* 31/12/90  
(AMITAV BANERJI)  
CHAIRMAN

'SKK'