

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench, New Delhi.

O.A.86/89

New Delhi, This the 10th Day of February 1994

Hon'ble Shri C.J. Roy, Member (J)

Hon'ble Shri P.T. Thiruvenagadam, Member (A)

1. Shri V.K. Chopra S/o Shri K.L. Chopra,
r/o DA/30-E, G-8 Area, Rajouri Garden,
New Delhi-110064.
2. Shri PC Malik S/o Late Shri N.D. Malik
r/o Pocket A-72B, Phase II, Ashok Vihar
Delhi - 52.
3. Shri Dilbagh Lal S/o Late Shri B.R. Ahuja
R/O A/E-159, Shalimar Bagh, Delhi - 110052.
4. Shri Dayal Singh Chanay S/o Late Shri S. Karam Singh
R/O K-24, Fateh Nagar, New Delhi - 110018.

By Advocate Shri Mahesh Srivastava

Applicants

Versus

1. Union of India, Service to be effected
Through Secretary, Ministry of Education &
Human Resources, Govt of India, New Delhi.
2. Delhi Administration, through Administrator,
Delhi.
3. Director-Cum-Secretary
Directorate of Technical Education
Delhi Administration, Delhi.

Respondents

By Advocate Mrs Avnish Ahlawat

O R D E R (Oral)

Hon'ble Shri P.T. Thiruvenagadam, Member (A)

1. The applicants are working as draughtsmen in Delhi College of Engineering from different periods. The applicants are comparing their cases with draughtsmen working in Polytechnics under the same administration namely Delhi Administration. It is their case that prior to 1970 the scales of pay were the same. But subsequently for the draughtsmen working in Polytechnics the scale of pay was getting revised more often than for the applicants working in the Delhi College of Engineering. So much so at the time of filing this OA the draughtsmen in Polytechnics have been provided with pay scales of Rs.1640-2900 with a selection grade of Rs.2000-3200

whereas the applicants have been given only the pay scale of Rs.1600-2660. This OA has been filed alleging discrimination which is against article 14 and 16 of the Constitution of India and prayed for directions to the respondents to grant the same pay scales as applicable to the draughtsmen working in Polytechnics in Delhi Administration.

2. The learned counsel for the applicants mainly relied on the following grounds:

- (i) Regarding qualification for draughtsmen working in Delhi College of Engineering has been stipulated as 3 years State Board Diploma with 3 years professional experience whereas the post of draughtsmen in Polytechnics this stipulation is 3 years diploma with 2 years professional experience. Also the responsibilities attached to the two sets of posts are comparable OR as per the applicants even more stringent than those of the draughtsmen attached to the Polytechnics.
- (ii) Delhi College of Engineering is a technical institution of a much higher status than the Polytechnics in Delhi Administration. The supporting technical staff should as a corollary have atleast equal status with similar staff in lower technical institutions.
- (iii) It is not only the applicants but even the institutions where they are working as well as Delhi Administration had felt that there should be parity and on a number of occasions recommendations had been made by the Delhi Administration to the Department of Education to the Ministry of Education for the grant of similar pay scales. Such recommendations were sent by Delhi Administration in the years 1979, 1982 etc.
- (iv) The two cadres of draughtsmen in Delhi College of Engineering and Polytechnics are controlled by one employer namely Delhi Administration and it would be discriminatory if there is an anomaly in the pay scales.

3. The learned counsel for the respondents argued that the nature of duties to be performed in the two sets of institutions is different and are not comparable. The revision in pay scales

for draughtsmen in Polytechnics had taken place based on the merits of the situation and this by itself does not entitle the draughtsmen in the Delhi College of Engineering to claim parity. It is further averred that there is more stress on practical training in Polytechnics than in the degree colleges and hence the two posts although having similar nomenclature have different thrust on practical training. It is the draughtsmen of Polytechnics who perform more strenuous duties than those of others. It is also mentioned that based on recommendations, the pay scales of the two groups which were 425-700 (for draughtsmen in Delhi College of Engineering) and 550-900 (for draughtsmen in Polytechnics) were re-considered ~~for~~ ^{and} ~~re-considered~~ for the draughtsmen in Delhi College of Engineering, the scale was upwardly raised to Rs.550-750 with effect from 22.4.85. With the introduction of the Fourth Pay Commission Scales from 1.1.86 the equated scales were Rs.1640-2900 and 1660-2660 respectively for the two groups. Hence it cannot be argued that the case of the draughtsmen belonging to Delhi College of Engineering was never considered.

4. Having heard both the counsel we note that the technical status of the Delhi College of Engineering is higher than that of Polytechnics which imparts only a Diploma degree whereas the former institution leads to degree in Engineering. It is also seen that the recruitment qualifications for draughtsmen in Delhi College of Engineering are slightly more stringent in that three years professional experience is stipulated as against 2 years for draughtsmen in Polytechnics. As regards the duties and responsibilities, from the chart attached as Annexure R-1 to the counter filed by the respondents this Tribunal is not in a position to evaluate the relative quantum of responsibilities nor is it expected of the Tribunal to indulge in such an exercise.

(B)

5. Courts have been generally holding that it is for the administration to decide the question whether two posts which appear similar should carry equal pay, keeping in view the duties and responsibilities thereof.

6. Under the circumstances of the case, it would be fit and proper to issue only the following directions:-

"The applicants may make out a representation with regard to pay scales and submit the same to the respondents within two months of this Order. The respondents are directed to dispose of the representation within six months after the receipt of the same, duly taking into account the various points raised in the Representation, by a reasoned order."

7. With this direction, the above OA is disposed off.
No costs.

P. J. Roy

(P.T. THIRUVENGADAM)
Member (A)

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(C.J. ROY)
Member (J)

LCP