## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

1. OA NO.852/87

DATE OF DECISION:15.05.1992

A.G. KHAN & OTHERS

...APPLICANTS

2. OA NO.1840/87

ASSOCIATION OF CIVILIAN EMPLOYEES COMMERCIAL IDME WORKSHOP ...APPLICANTS

√3., OA NO.1264/88

TAPAN KUMAR SARKAR & OTHERS

...APPLICANTS

4. OA NO.1265/88

S.L. VISHWAKARMA & OTHERS

... APPLICANTS

5. OA 1270/88

P. UMA. SHANKAR

... APPLICANT

6. OA NO. 1266/88

GURDAS RAM

...APPLICANT

7. OA NO.1267/88

B.Y.V. KRISHNA RAO

... APPLICANT

8. OA NO.1268/88

NANAK CHAND

... APPLICANT

9. OA NO.1269/88

S. CHAND PAHSA

... APPLICANT

**VERSUS** 

UNION OF INDIA & OTHERS

... RESPONDENTS

CORAM: -

THE HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN (J)

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

1. Whether Reporters of Local Papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

FOR THE APPLICANTS

SHRI VIJAY CHAUDHARY, COUNSEL.

FOR THE RESPONDENTS

SHRI M.L. VERMA, COUNSEL.

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE MR. I.K. RASGOTRA, MEMBER (A))

The above O.As were transferred from the various Benches, as listed above, in accordance with the orders of

12

the Hon'ble Chairman, as they raised common issues of law and of fact. In the circumstances, we propose to dispose them of through this common judgement.

The principal sissue raised for adjudication in the constant above OAs his whether the Draftsmen employed in the office when be of the Army Base Work Shop of the respondents are entitled to the bioto the following scales of payment out at

for one of the control of the second of the formula of the second of the

Street Draftsmen Grade II Rs. 425-700

For the Draftsmen Grades I was Rs. 550-750 (pre-revised) For the corresponding categories in the Central

eds to velicate Public Works Department (CPWD) of the case in OA 852/87, which the case involved and which we need advance dealing with in detail, are that the Third Central Pay at 25% in Commission who went into various aspects of grant of scales the land of pay, keeping in view the responsibilities and duties of

correspons of these evarious supposts; smade basthes of collowing specific tests are commendation in regard to the category of drawing staff stagged employed in the various Engineering Workshops Departments:-

beagisse ed birodd'79. Werefind; that birlly qualified draftsmen, who what he birds bashave sto undergo and two-year documents after their

factors becom to Matriculation are snow being recruited on a scale of president of the lower of the lower

scale of Rs.110-120. We feel that the scale of not additional section of Rs.150-240 cist rather low whether from the point of the view of the qualifications demanded or of the videay received to 084-032 consistent duties normally performed. Similarly, it seems

The property of the incongruous that the three year Diploma holders in the large of the Engineering recruited for the drawing office should

serves suit as the have as scale of only Rs. 205-280, while the lower suitablines at a scale for those recruited to the regular

prince and the second residence of the second residence of the second residence and the second r

Balloonian the estimate 000-007

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be created merely to improve prospects of promotion. We would, however, crecommend that draftsmen who possess a three-year diploma in engineering should be provided with an opening to posts in the scale of Rs. 550-750 in revised terms, in the regular engineering line. This should enable them to progress further and machieve gazetted status in that line if they are found suitable."

Chestive 80.00 We feel that there is no justification Introduction of asifor the existence of as many as thirty different pay scale in the range of pay from Rs.110 to folder winds AC airs: 575; with a seategory where Othe levels of the ew\_fipiny\_bea\_covioskills:defrequired:d\_arest fairly sewell; ovestablished (at large to bride candracould be expected to abe tahomogenous 29%, 32 to carry to the various departments. We recommend that draftsto weither but as thimen's should the wassigned at the deficiency specific Private Scales and where the levels of the skills required There subjects to waterfairly well-established and could be expected - istrationally acceptor beatomogenous among other various, mdepartments. ods arrasits to be twels recommend that ardraft sment should be assigned  $T_{f k}^{f t}$  rests eathertollowing nevised scales cand should satisfy Sisse a do periuther aqualification of requirements noted against neral edf do dere each for purposes of direct recruitment.

sdivx alaars. 110-120. We rest that the scale of

To taken each about a median proposed and as Qualifications for scale (Rs.) direct recruitment ent to to be became a solisabilisary and to welv

I... 260-430 Matric plus one year's amsea of yeariful abandance yellearon asidus experience.

ni sasbiod emolaju II-v. to of off in 3304560054000 Matric plus 2-year diploma in draftsmanship bluodo soltho gnisero sur ach tel beckeyear gainescipasor its equivalent.

TOWNS STORED OF THE SECTION OF 42547003 STEMATRIC plus 3-year diploma in engineering Salures. Section of Sections section will be sections.

or its equivalent.

V... 700-900 Degree in engineering or its equivalent with experience.

following scales of pay were assigned to applicants and their counter-parts in the to the land of the war war of the land of Cibroop i.sturningar of Grade III Rs. 260-430; Draftsmen Grade II Rs. 330-560; ii. hacros ed fizii.dabaa jig boDraftsmen Grade I Rs. 425-700. for not beautified Asysthe chighest ascale of Rs. 550-750 was not 4. intra 2007 3 assigned, the case of the Draftsmen of the CPWD rds to squesto referred for compulsory arbitration in accordance with the scheme of Joint Consultative Machinery (JCM) The Board of Arbitration gave Bolica its award on 20th June, 1980 which is reproduced relete of nothing below: - palace act you beauth, led mort experts only harries that  ${f A}_i {f A}_i {f D}_{i+1}$  , i.e. wrisized and all Havings given hits careful consideration to the whole of the material on the record and having 8781,7,82183 aportal garadon examined the merits of the case presented both ". 338 in readby other official and the staff, sides, light of the entire material and the arguments The Covernment, of India Compilered the extension of the by the aforesaid representatives advanced adorstrom Surressing In The Contract State Office and Assertant Office and Parker into account all Donartmeny tother tear OFVD and despot instructions wide other relevant factors, including the special Departure of the Expenditore, Wisistry of Tinarde features of the case, the Board gives the following  $\sim 100$  Mo.F.2(450) W list white 6 135.5 (1984) with site m secolectedaward:allosted to beattamen Grado Ally (I'd y su elt departments 1. The three categories of Draftsmen viz. Grade healten ad war Two with the its closed to two translaved and to III, Grade II & Grade I shall be inducted in and tell health and to relace add to the pay scales shown hereunder against each Draffismen in CPAD provided their Secretiance anoirsoutilant of the aforesaid categories: those prescribed in CPVD welle fimilier Draftsman Grade III.....Rs.330-560 the revision wis caree indionally wishful bes Secional Draftsman Grade II....Rs.425-700 to yrrain; who he termaname all 1888: I is a puranament of the Winistry of Draftsman Grade I....Rs.550-750 necestiand day not yet to select out such robutent a especial 2. The above mentioned categories of Draftsman to several of mathrial engineering to accessor the to septit int shall be fixed notionally in their respective Draitement in Jean Jean Street in the scales of pay as aforesaid from 1.1.1973 = in

accordance with the recommendations of the Third

Pay Commission in respect of weightage and fitment.

- Reidenburgers- Jesteg

the

above recommendation

there is a first battage that is the common training of the desired of the control of the contro

But for computation of arrears, the date reckoning shall be the date of recording of disagreement in the Departmental Council viz. .00 -00 10 - 28/29.7.1978.77 0 CC

3. The arrears of pay which shall be worked State with above mentioned formula shall be paid to the affected employees within three months from the date of receipt of the Ward by Ministry of Labour the conse

was constitued Accordingly the Draftsmen in CPWD were Continued fixed notionally in the respective scales of pay awarded by the Board of Arbitration w.e.f.

1.1.1973 but were allowed the arrears from the date the disagreement was recorded in the Departmental Council of the JCM viz. 28/29.7.1978 wind beinger vide the then Ministry of Works Housing letter 9dd fr 12014(4)/77-EW-2 dated 10th November, 1980."

Right to the intro-maintail and the caller The Government of India considered the extension of the the life authorisis representatives advested

benefit to the Draftsmen employed in Engineering Workshops fato acocuat both gides and having taken

Department other than CPWD and issued instructions vide was edit ambulant , sabuses assessed today

Department of Expenditure, Ministry of gaiwoifor and sering brace and treatment Finance OM

No.F.5(59)E-III dated 13.3.1984 that the scale of pay - Diaws

allotted to Draftsmen Grade III, II & I in all departments three extegories of Practemes wis. Grade - 3° C 7°

of the Government of India other than CPWD may be revised the best set of the on the pattern of the scales of pay introduced for the

110.50

Draftsmen in CPWD provided their recruitment qualifications tenitogenen biseetrie vir -

were similar to those prescribed in CPWD. The benefit of ිකින් වෙනව මෙහි ගැන දැන්නට අතනයට නියකත් මුතින්

the revision was given notionally w.e.f. 13.5.1982 and TOTAL BELLEVILLE SERVER GENERALE

actually w.e.f. 1.11.1983. In pursuance of the Ministry of

Finance's instructions the scales of pay for the Draftsmen

in possession of qualifications similar to

Draftsmen in CPWD were revised in the Corps

Ministry of Defence, Army Headquarters the Corps of EME,

Headquarters letter for all the letter the accordance of the same second state.

A President Control of the State of the Stat

No.51/158/6/EME-Civ/3 dated 14.8.1984 and EME Records Secundrabad letter dated 15.2.1985. The revised pay scales are said to have been implemented accordingly and arrears paid to all Draftsmen in the Corps of EME and pay w.e.f. 1.1.1986 in accordance with the recommendations of the Fourth Central Pay Commission. The cause of action to ក្រុំក្រុង សាវ 20 លាកស្រី មូល ៣០ ១១៩៧៤ file this Application, under Section 19 of Administrative Tribunals Act, 1985 has arisen, as of the the , то доб respondent No.4 viz. Commandant, 509 Army Base Work Shop, or beselve and 1881 (Colling to be the State of State of the State of State of the State o Agra herein has rescinded the earlier orders based on EME , arassitumi Records' letter dated 15.2.1985 vide order dated 3.6.1987, ្តូលក្រុមស្រែន ៤០៩ ស្រែ ១៣១១ ១៩៩៦ ១៤៤ ១២៥៧ To war to stoke tiges ast or bestive ask theirs almost the 30.10.1986, stating that the "higher pay scales equivalent out out suffer a cardism or athebnogen edged accorded to the drawing staff in CPWD are not applicable in the case stassifies our most betain 193500 assertations to certain of drawing staff in EME". The applicants contend that the states own to being a not repose because of order dated 3.6.1987, issued by respondent No.4 is 3.6.1987, order dated order dated 3.0.130., 155000 2, 155000 1.500.

Selic of the sout benalating about the applicants to sixebility-1000000 reads of the Article 14 of great disadvantages and is violative of the Article 14 of the Constitution of India. The order is also of violative of dicking stadf are in existerno of provisions of 2nd Schedule to Industrial Disputes Act, 1947. The applicants contend that the skill, efficiency, 087-085.*6*8 asattstC bseH accuracy and qualifications of the Draftsmen in the Corps of EME is far superior to the Draftsmen placed any where in 000F088,080 Draftsinan They further maintain the Government of India offices. iscer". Further the Corps, of Editions of Call are Corps, of Edit and of CPRE are are higher/similar to those of CPWD. In short, the qualifications required for Draftsmen Grade II/in CPWD are that the society of pay willotted to the D diploma in Draftsmanship from a recognised institute of not ក្រាសមាន និយា ស្រុសនេះ ១៨៨ ពេកស្លា នាមសម្រាខ ១១០ less than two years and practical experience of at least vignors and sur to nematical eas a hebratze one year. The applicants claim that they not only possess abroper UKU set you what said to be that angustat encurred the diploma in Draftsmanship from a recognised institution vids) jabiv

of two years duration but also have similar or longer thempedate and the SSELOLIE below control electronestation. practical experience.

deb. Figi speciocaes in Bousaic arobico By way of relief they have prayed:-

មទំពស់ នៅតាមសម្រេញ ក្រីទ្រប់លើក កាតុធ ប្រែក្រស្មាំ សេរីវាក់ខានខុនៈ ។ ក្រក្សាជនព i) That the illegal order reverting the scales of pay respect of the applicants to old scale in

50 mm (1965) 1965 (1965) 11 (1965)

eq Las The

promulgated by Comdt. 509 Army Base Work Shop, Agra vide DO Pt. II NO.76/Est.NI dated 3.6.1987 be 4 2 90°4 3'4 3'5 7 8'25 8'5 quashed.

Orders issued on revision of pay scale of D/Man Grade III, II and I in all Government of India SERBE OF SECTION Offices on the basis of the Award of Board of Arbitration in the case of Central Public Works 1. විත්වයකම්ඩ් උදවස්ස් Deptt. vide Ministry of Finance OM NO.F-5(59)ald, Continued desire, 1929, Americ Base, World Pipol. E-III/82 dated 13 March, 1984 be allowed to the I so house explana religion into conclusion and discount applicants.

PRINTER POST PROSESS AND PROPERTY ·逆引 有数十分数 海海市 各国 建光石 When the case came up for admission on 26.6.1987,

4. When the case came up for admissions of the participation of the part ad-interim relief was granted to the applicants by way of a direction to the respondents to maintain status quo in the matter of recoveries contemplated from the applicants by
the impugned order for a period of two weeks. The said ad-interim order was continued from time to time.

5. The respondents in their counter-affidavit have 5. The respondents in their counter-affidavit have stated that in the Corps. of EME the following categories of drawing staff are in existence:-

, ind address lateractor of embeded and la acceptions to Chief Draftsman Rs.700-900

evoquiolità elitte edu tedo oues os erassificas edu espec Head Draftman Rs.550-750

Senior Draftsman Rs.425-700

Peda yas bacefor assertant advisor religions and at the bearing Rs.330-560 Draftsman

They invider andonein use Gövernmant to fraik officers. Rs.260-430 Tracer

Further the Draftsmen in the Corps. of EME and of CPWD are Coldw ,೨೮೦ರಕ

governed under different recruitment rules. They submit sta CMMO right share desertions to be type a series in CPWD that the scales of pay allotted to the Draftsmen in CPWD consequent upon the award of Board of Arbitration were extended to the Draftsmen of the EME wrongly by an

erroneous interpretation of the award by the EME records, doi. aditer: besignoper a read this asmitted at sering

Secundrabad. This mistake was rectified vide Army regarding on also dave einilage elager Headquarters order dated 16.10.1986 and the subsequent.

orders issued by respondent No.4 dated 3.6.1987.

m. Demand swift to stop in any Til further assert that the over payment made on

wrong interpretation has rightly been ordered to be sq to asimpa manac Engn 36 J to blo recurs in respect

recovered from the applicants. However, to avoid hardship to the applicants, the recovery is proposed to be made in easy instalments without charging any interest.

Shri M.L. Verma, the learned counsel rog in represident liberagnmen i far respondents emphasized that there is no comparison between COLLEGE SER TO BOTH this of the sweet the drawing staff in EME and drawing staff of the CPWD. The ote from home guine a most faction from THE PARKET OUT COWD has categorised drawing staff in three groups viz.:

and the day produced became as the discovery Draftsman Grade I

Rs.550-750

programme distribute praftsman Grade II

Rs. 425-700 Participation of

r Define August (f. 1700) (f. 170) Draftsman Grade III

Rs.330-560

(095-120-128)

Alexand remains from their Grand II whereas in the Corps. of EME the classification of the drawing staff has two other grades besides having three at the same categories of Head Draftsman, Senior Draftsman and Draftsman corresponding to Grade II and Grade III of CPWD. They are Chief Draftsman Rs. 700-900 and Tracer in the grade of Rs. 260-430. The post of Tracer existing in EME,

is not in existence in the cadre of CPWD drawing staff. The respondents have enclosed recruitment rules of drawing. Andtarime of

staff of the CPWD in support of their contention that the

Marric or the equivalent, thrus-Senior Draftsqap(9s.408-77 recruitment qualification of the drawing staff in

Corps. are not similar to that CPWD drawing staff. It was

and a gailed on this ground that the CPWD drawing staff pay scales which vado gestial 85%

were initially extended to the EME Corps drawing staff were

and the later withdrawn vide Army Headquarters letter dated

16.10.1986. Toliograp, Isdaetins, 90 7 / 1003

H. . . Difiant

The learned counsel for both parties and considered the material on record carefully. According to the Recruitment Rules filed by the respondents at Annexure R-3 (page 58 of the paper book) the qualifications required for the drawing staff of CPWD are as under:-

. (701 vs lever) sairs amount rost reques

The second Name of the post years with the Education Qualifications & pay scale

o o o verceá o radinació legio como como

form Draftsman Grade III (Civil) Rs.330-560

mark boots or

-1300mm <u>25</u>

Colora gtawo

Certificate or Diploma in Draftsmanship from a recognised institution of not the secretary of the second field beathers less than two years duration including practical training of six months.

Draftsman (Electrical) Certificate or diploma in Dimanship mechanical from a recognised institute was requoted season at that a goldent bearmoof not less than two years duration including practical training of six months.

057-050,82 Draftsman Grade Ti-

100% by promotion, failing which by direct recruitment.

(Rs. 425-700) 584.235.25

Drefteran Orace 100% by promotion from D'men Grade II with 8 years service

Draftsman Grade I o 201742 (Rs.550-750) Swe ba leason

draving sicfi hac two other grides besides buring thres

-Rithric bus magnithe other hand the qualifications of the drawing staff in io III eband the EME arecas under D or acthrogration can

ent of recent but 500-307.08 asserband being ens wad? 1040 its equivalent Tracer (Rs. 260-430) The post of Tracer estating in EME, Tracer.

Matric or its equivalent, two tista gnivath EVO to erac est of Draftsman(Rs.330-560) - aniwarb to asily inempirates beautine eval a years diploma in D'manship mechanical or its equivalent.

staff of the GPUD in support of their contention that the

Matric or its equivalent, three Senior Draftsman(Rs. 425-700) to solitacifiles to mattheway pear diploma in engineering or grivano enu est ju state gaivarb CPWD drawing staff, it was

100% by promotion, failing which that the CPWD draving staff pay scales which by transfer and failing that enew fixts galward agrof TVZ edt of bebaerke by direct recruitment.

barge restar Head Draftsman (Rs. 550-750) gwsDegree in Engineering or its equivalent.

100% by departmental promotion, failing which by transfer, neard the learned counsel for both parties failing that by direct recruitand numerities the material on record carefully. Ancording

Chief Draftsman (Rs.700-900) is not germane to the issues in racitsoffiance end (Mood temper suf to Ad egan) this batch of OAs.

As per Recruitment Rules issued in 1977.

contd...10

N

qualifications of Draftsmen, Senior Draftsmen and Heads
Draftsmen correspond to the recruitment qualifications in
the CPWD and they carry similar scales of pay. These,
have to be viewed in the perspective of the
avertire levant a recommendation as of grathe to Third Central Pay

row in social to "76. st There is is considerable avariation in the rough wire to presqualifications prescribed for the same grade in the rough addifferent departments. However the general pattern emolyle so compared to be assisted to a section.

(i) of For the Egrades of the Traceros (Rs.110-200) the estimation at viewine mention Matriculation with a certain minimum results of the duration of which does not normally units and to exceed the advantage of the Posts & Telegraphs, and the Posts & Telegraphs, and the of the office of the Civila Engineering Wing), however, as when the description of the two years durations after Matriculation of two years durations after Matriculation) and sate substitution of two years durations after Matriculation and sate substitution of India, direct recruitment to the grade the strength of the Civila Constitution of the strength of the Geological and strength of the Civil Constitution of the strength of the grade of the Survey of India, direct recruitment to the grade of strength of the Constitution of the Survey of India, direct recruitment to the grade of the Survey of the Constitution of the Survey of the Surv

end as essenti (ii) ifforisthe snext shigher egrade of Rs. 150-240, the

sate requirementh is generally as Diploma in Draftsmanship

endest of a sate or equivalent aqualification in Architecture

end vest sent be (both of 2 years eduration after Matriculation).

end doken selection the third develoris generally that of Rs. 205
rested test next 280; shut littis Rs. 180-380 in CrPrw. D. band Rs. 205380

that gaivest adding the Railways. Direct are cruitment to this level

end from sate test from bamong addiplomat holders gain engineering

best over that because o oals activised year set activities.

கூறு நடித்து இது இருந்து இருந்

(iv) above this level, direct recruitment is exceptional and where it exists it is from among Engineering Graduates or their equivalent. Such direct recruitment takes place in the Railways to

25 per cent of the posts in the scale of Rs.335-485

26 Control of the posts in the Ministry of Defence direct

27 Control of the posts

28 Control of the posts

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same the charges of 7.1 to Draftsmen are employed amainly in engineering, vilsered for a selmanufacturing from architectural, adrawing offices. cald 194547 if Their aduties consist a primarily of preparing revewed their engineering and varchitectural drawings of various To some insignstypes to They may halso be alled upon to work up gataeenigas livirough sketches into finalised engineering drawings. (appresentation of These apidrawings so may of bed used) for design or issission and manufacturing purposes for may constitute the blue ebaug est of thesprints; traccordingonito which buildings and Cas not at (Lengineering structures, machines, components etc. qidansmatisme ei are constructed or mades Draftsmen are also engaged estimating sthe ematerials required for execution ess .002-041.es tofeprojects@?Thezresponsibilities increase as one gidenements of ni progressalong the gradenedestructure."

constitue a part of the drawing staff and that they are does alike other Draftsmen engaged in activities which are broadly similar. It is a different matter that better qualified persons drawing higher pay of the drawing staff are engaged on more complex and more important work, than the staff who possess lower qualification and have less experience. The Pay Commission also observed that even in

Tracers Rs.110-200 in certain departments candidates with two years diploma in Draftsmanship or its the bessio dequivalent are being recruited while in others persons with armon end thatriculation and with a certain minimum experience the 1980-082.25 duration of which normally does not exceed one year are wing at according Newertheless, in paragraph, 81 the Third Central and seeds to Pay Commission made the following specific recommendation:-389-802.27 lo of on 381-at at Our of specific 2 recommendations the 1997-511.23 to piscarevision of the populous grades are as under:si 080-808. at to eta(i) all the posts which are now in the scale of eises our to togge Rs. 110-200; should be brought on to the sacle of Rs. 260-430. pg In the Posts and Telegraphs Depart-At a translitional 035-305.25 to effice ments 16 outside tits Civil Engineering Wing) where edi tot .007.2011.23the prescribed qualification for of Rs.110-200 Matriculation with a Diploma in entice Should -arrand ni shoigid Draftsmanship, the duties in these posts should be and he becale ad ninexamined stonsee sif any offethe posts would deserve at smoluid drive parto beaplaced in the next higher grade. should be placed in Level II. The remaining posts should be in Level In The grades of Draftsman III evoluted in the the the column of the terms of the the Boltrages lists three Geological VSurvery of India should be merged and eat loan-oction placed in Levels Lin however, as here too erofuel jusceles firqualificationsoffor fdirect, recruitment are Matri-Trade antware core culation with a 2-year diploma course in draftsman-. alv liters galasto esship the duties in the posts should be examined and abrad bus noverseless such hof the posts as would deserve to be upgraded To mison the wolf end may be placed in Level II. In furture, the qualihas made the lang fication requirement for recruitment to the grade bus caused .A. a can of Rs. 110-200 should be already prescribed above. (ii) All the posts now in the scale of Rs. 150-240 seesson oels dud sarey our in noishershould be brought on to the scale of Rs. 330-560. They were recruited ibilially in the grade of Rs.110-200

(iii) The post in the scale of Rs.180-380 should be placed in Rs.425-700. Half the number of posts in the scale of Rs.205-280 should also be placed in the same scale. The remaining half of the posts should be placed in the scale of Rs.330-560, provided that where the number of posts in the scale of Rs.205-280 is less than 10% of those in Rs.150-240 all the posts in the scale of Rs.205-280 should be placed in the higher scale of Rs.425-700.

In the Railways the existing scale of Rs.205-380 is whose the result of a farily recent merger of the scale that a document of Rs.205-280 and Rs.250-380. As a transitional measure, persons on the present scale of Rs.205-380 to observe the given the scale of Rs.425-700. For the mineral and a document of the recruits the general scheme should be additional accordance. Direct recruits with a Diploma in Drafts-evaluable bloom and manship or its equivalent should be placed in the class document of Rs.330-560, and those with Diploma in Scale of Rs.330-560, and those with Diploma in Engineering should be placed in the scale of III managinary to a placed in the scale of

The Third Central Pay Commission, therefore, allotted four scales of pay to the drawing staff starting with Rs. 260-430, Rs. 330-560, Rs. 425-700 and Rs. 550-750. The Board of Arbitration however taking all relevant factors into consideration in respect of CPWD drawing staff but beating allotted only three scales of pay to the drawing staff viz. Draftsmen Grade HIRs. 330-560, Grade II Rs. 425-700 and Grade LIL Rs. 550-750 and thereby eliminated the lowest scale of board of Rs. 260-430. Admittedly the applicant Shri A.G. Khan and Shri R.S. Tyagi herein not only possess B.A. degree and Matriculate certificate respectively but also possess certificate of Draftsmanship with a duration of two years. They were recruited initially in the grade of Rs. 110-200

in May, 1967 and January, 1972 respectively although

they were designated as Tracers. It will, therefore, be observed that the Tracers Mar Lown, The in Rs.110-200 were being recruited with the minimum quali-...Ti obarb mamerism fication of Matriculation plus diploma/certificate goldershizeco orci then reme payeraters in Mechanical Engineering of a duration of not less than 2 ್ರಾರ್ಥಿಯ ಅವರ ಅಂತಾರ್ಯ ಸಚ್ಚಾರಿಯ ನಿಮ್ಮಪ್ರಾಪಡೆ ತೆಂಡ ಅಳಕ್ಕಾರೆ. years. The Pay Commission had recommended that where the prescribed qualification is Matriculation with a diploma in spans of the lowest grade (Rs.110-200) the same should be identified with a view to (Rs.110-200) the same should be called to be placed in the next examine if they would be deserved to be placed in the next to (Isbinson) sassing sassing sassing the manufacture of the recruitment rules filed by the higher grade. The recruitment rules filed by decree assist coinsistings. A.S. anid southward are respondents were issued in 1977 and these rules are an anisationally and these rules are relevant in the matter before us is further borne out by relevant in the matter second part series second, and series second, who in series of noisulage edit of each appear action of the Second Pay Commission, who in series of noisulage edit of each appear action of the Chapter XXVI in paragraph 56 and 57 and actions are actions. of reels Report, reproduced above. observed as under:-Meret terd 94.7 20 responsibilities iscoitant (isoignifi ed professed filly to the typical Class III scales, among the tells of the typical class is scales, among the tells of the the typical class ed to the the typical of the central government "56. The distribution of Draftsmen and Tracers, in the various of pay of the CRWL drawing staff eartraded to the applicants follows:..." ritir accordance al establication end and reduced. It will suffice to say 1888. 17 The table is not being reproduced. lo rebro the Ministry of Finance. that the same included the posts of the drawing staff in therefore, :82 8,30.1869 bedab ranponderis the Ministry of Defence. SI bas bi Beichith wid lo evitatory bas grotherminesh mostly on the netitation of India but is also violative of scale of Rs.60-150, consist of making drawings of . From Large rot vsq Large to entract simple items. Draftsmen and Assistant Draftsmen are even sit the over their that the property of the order employed on higher type of work. Recruitment is made departmentally at various levels. For layer in a Circulation with lowest grade of Tracers, matriculation with some limitation with some experience of drawing or tracing work is considered idaya taraer ŒĒ. To estilv you med: yo on abem need eved place another blace sufficient qualification; but for higher posts a

diploma in engineering, or in draftsmanship, for the teacher to be be be compared to the states of the course after to the teacher that the course after the teacher that the te

a week the time factors and within the contract the property

The applicants who are before us are generally the recruits 1967年的第三人称形式 1965年 1966年 1 who joined service prior to that date with qualifications prescribed for Draftsmem Grade III in the CPWD. The Pay the undisputedly took into consideration Commission Recruitment Rules that were prevalent in 1973. The respondents have not brought to our notice the material recruitment rules. The Tracero in recruitment rules. The Tracers in EME, therefore, cannot be HORINGER CERUS CERCENSAN treated in any other manner but at par with grade III Draftsmen of CPWD with pay scale of Rs.330-560 keeping in The fact that the wiew their recruitment qualifications. Tornorio Post constant al entrace Tracers possess diploma/certificate (Mechanical) of two anner metalore estal e costruir. years duration plus B.A. Matriculation has not been denied ប្រជាព្រះជា ប្រជាព្រះ មាន ខ្លាំង ប្រជាព្រះជា ខេត្ត ខេត្ by the respondents. The Third Central Pay Commission in fact after discussing the various categories of drawing staff including Tracers came to the conclusion in paragraph
of their Report, reproduced above, that the duties and eu azo... Probas so bevresdo Proftsmen are the responsibilities of the 334 identical. It will, therefore, be illogical, irrational and a retrograde step to withdraw the benefit of the scales INTERNATION OF THE Wini thrift t of pay of the CPWD drawing staff extended to the applicants ...:evallod by the respondents in 1985, in accordance with the respondents in 1985, in accordance with the respondents of sales at eight ear directions of the Ministry of Finance. The order of the no litate animals and to strong and heartone case get tede respondents dated 3.10.1986 is, therefore, Mirjetty of inferce. discriminatory and violative of the Articles 14 and 16 of the Constitution of India but is also violative of the doctrine of 'equal pay for equal work'.

We may observe here that if there are any Tracers
with lower qualifications, they too would have to be placed
in the identical scale of pay on the principle of 'equal
pay for equal work', as any shortfall in recruitment
qualifications would have been made up by them by virtue of
longer experience attained by them. We had dealt with
identical matters in OA 299/89 decided on 6.3.91 P.S.
Bhatnagar & Ors. Vs. UOI & Ors, OA 1/89 Nain Singh Bhakuni

& Ors. Vs. UOI & Ors. decided on 21.2.1991. Our attention was also drawn by the learned counsel for the applicants to the following decisions of the Calcutta Bench of the Tribunal in similar matters:

- i) OA 458/86 Sunil Kumar Bhowmick & Ors. Vs. UOI & Ors. decided on 3.7.1987
- in-Chief, E-in-Branch, Army Headquarters & Ors. decided on 17.9.1987.

All these cases are based broadly on similar facts and in

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8. In the above conspectus of the case we are of the opinion that the applicants are entitled to be placed in the following scales of pay, as allowed by the Ministry of Finance (Deptt. of Expenditure) OM NO.F.5(59)-D/III/82 dated 13.3.1984 viz.:

Draftsmen Grade I Rs.550-750

Draftsmen Grade II Rs. 425-700

Draftsmen Grade III Rs.330-560

13.5.1982, notionally w.e.f. the actual benefit being 1.11.1983. Ordered accordingly. allowed w.e.f. Consequently, we set aside and quash the order (Records) order No.3486/26/ CA-III dated 30.10.1986 subsequent orders issued by the respective Commandants of the Base Work Shops in pursuance of the said order of the EME Records, Secundrabad.

The orders passed as above, shall be applicable mutatis mutandis to the applicants in the OAs Nos. 852/87, 1840/87, 1264/88, 1265/88, 1270/88, 1266/88, 1267/88, 1268/88 & 1269/88.

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These orders shall be implemented by the respondents as early as possible but preferably within 16

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weeks from the date of communication,

There will be no order as to costs.

Let a copy of this judgement be placed in the other cases listed above.

CT88118. W. Ad Bevilosber -

All there cased are based broadly on similar facts and in

(I.K. RASGOTRA) (P.K. KARTHA)

TO IM POT MEMBER (A) (199) STATE SHOWS SHOWN THE VICE-CHAIRMAN(J)

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similar the Deadtamer whould be placed and the identical grades as given to the charked are if cot the CPND.

3. In the sucre conspectes of the case we are of the option that the splittings and entitled at the placed in the following society of pay, as allowed by the Ministry of Tinance (Depti. of Expendence) Of NO.F.3(58)-D/III/82

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Draftsmen Grede II Be. 628-700

Dreftsgen Grade III Ra. 180-890

gaisd filensi Lagdor 3di notionally w.c.f. 12.5.1863, .vigaibgooca be setto 18881,11.1 1.8.8 bayoils 3743 mebro eda dable. 868 Obsaegventin, we set ande (Reporter) under No.3486/26/ 01-117 deted 30.10.1986 and subsective Croech chaved by the respective Communicate of the face for Rona Shops in norseance of the setd erder of the

MML Retords, Secundrabad.

The Orders passed as shows, shall be applicable mutaris autandis to the applicable be 0.88 Nos. 650/87, 1540/84, 1234/85, 1240/84, 1265/85, 1207/88.