

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1929/88
T.A. No.

199 August 12, 1991

DATE OF DECISION _____

All India MES Civilian Draughtsman Association Mrs. Indira Sawhney	Petitioner
Versus	
UOI & Ors.	Respondent
Mrs. Raj Kumari Chopra	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. T.S. Oberoi, Member (J)

The Hon'ble Mr. I.K. Rasgotra, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *no*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal? *no*

I.K. Rasgotra
(I.K. Rasgotra)
Member (A)

T.S. Oberoi
(T.S. Oberoi)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA No.1929/88

DATE OF DECISION: August 12, 1991

ALL INDIA M.E.S. CIVILIAN

DRAUGHTSMAN ASSOCIATION

APPLICANTS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

CORAM:

HON'BLE SHRI T.S. OBEROI, MEMBER (J)

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

FOR THE APPLICANTS

MRS. INDIRA SAWHNEY

COUNSEL

FOR THE RESPONDENTS

MRS. RAJ KUMARI

CHOPRA, COUNSEL

(JUDGEMENT OF THE BENCH DELIVERED BY

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

This application is filed by All India M.E.S. Civilian Draughtsmen Association, New Delhi, Shri Subhash Chander Gupta, Draughtsman Grade I and Shri Mahipal Singh, Draughtsman Grade-II of the same Department. The issue raised in the OA is that the applicants herein including the applicant No.2&3, number ^{-ing} 1154 in all should be granted the same scales of pay as applicable in the case of Draughtsman Grade -I and Grade II in the Central Public Works Department (CPWD) on the ground that they possess identical/similar qualifications.

2. Briefly the case of the applicants is that the Board of Arbitrators under the scheme of J.C.M. awarded the following scales of pay to the Draughtsmen of the C.P.W.D:-

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Draughtsman Grade-III	Rs. 330-560/
Draughtsman Grade-II	Rs. 425-700/
Draughtsman Grade-I	Rs. 550-750/ .

They were fixed in these scales notionally w.e.f. 1.1.1973 but for computation of arrears, the reckonable date was the date of recording the disagreement in the departmental council viz. 15.11.1973. The pay scales so awarded on 20th June, 1980 were extended to all Draughtsmen vide Ministry of Finance, Department of Expenditure OM No.F.5(59) E.III/82 dated 13th March, 1984, provided their recruitment qualifications were similar to those prescribed in the case of Draughtsmen in the CPWD. The benefit of this revision of pay scales was given notionally w.e.f. 13.5.1982 and the actual benefit was allowed w.e.f. 1.11.1983.

3. The claim of the applicants herein is that prior to 20.6.1980 the Draughtsmen Grade I and Grade II in the M.E.S. were placed in the same scales of pay as allotted to the corresponding categories in the CPWD. Their duties, responsibilities and nature of work are also identical/broadly similar. They also affirm that the recruitment qualifications of the Draughtsmen Grade-I and Grade-II, M.E.S., Ministry of Defence are similar/identical to those of Draughtsmen Grade-I and Grade-II working in C.P.W.D. The applicants have also enclosed a decision of the Calcutta Bench of this Tribunal dated 17.9.1987 *Jatindra Kumar Sapui & Ors. Vs. E-N-C, Army HQ*, in support of their case, as that related to their colleagues working in Calcutta area, falling under the jurisdiction of the Calcutta Bench of the Tribunal. Paragraph 6 of the judgement in the

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case of Jatindra Kumar Sapui (supra) reads:

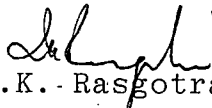
"6. In the case before us we note that the recruitment rules or the educational qualification of the grade II Draftsman (Civil) to the CPWD and in the MES are identical for all practical purposes. In both the Departments this qualification includes a certificate from a recognised institution for Diploma Course in Draftsmanship of not less than two years including some practical training, plus a practical experience of at least one year. The promotion or recruitment to the grade-I, Draftsmen is to be made from amongst the Grade II Draftsmen after some experience of 8 years in both the cases. Thus we find that the recruitment rules for the applicant who are working in the M.E.S. are identical to those of the C.P.W.D. Hence we hold that this prayer of the applicants should be allowed and that the CPWD pay scales should be made applicable to the applicants with effect from 1.11.1983."

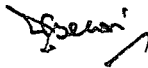
The respondents filed a Special Leave Petition No.275/88 against the order of the Calcutta Bench of Tribunal, in the Supreme Court, but the same was dismissed by the apex court on 20.4.1988.

The applicants submit that they had made a representation on 5.10.1987 for assigning the revised pay scales to them on the basis of the above judgement. Their request, however, has not been acceded to.

4. We have heard the learned counsel of both the parties and considered the record carefully. We are of the view that there is no reason to deny the benefit of the judgement of the Calcutta Bench in Jatindra Kumar Sapui (Supra) to the applicants in the OA herein, as they are identically situated in all respects. Similarly, a number of cases have been decided by the Principal Bench in the recent past vide judgements in OA No.1/89 - Nain Singh Bhakuni decided on 21.2.91; OA No.299/89 - P.S. Bhatnagar & Ors. Vs. UOI & Ors. decided on 6.3.1991 and OA No. 245/87 - D.K. Kaushik & Ors. Vs. UOI & Ors. decided on 1.8.1991.

In view of the above conspectus, we are of the view that the applicants herein, who are Draughtsmen Grade-I and Grade-II in M.E.S. are entitled to the same scales of pay as granted to the Draughtsmen Grade-I and Grade-II in the CPWD. We therefore order and direct that the respondents shall fix and allow the revised scales of pay in accordance with the Ministry of Finance, Department of Expenditure OM dated 13th March, 1984 to the applicants herein, i.e. Draughtsmen Grade-I and Grade-II shall be placed in the revised scale of Rs. 550-750/- and Rs. 425-700/- (pre-revised) notionally w.e.f. 13.5.82 with actual benefit w.e.f. 1.11.1983. The application is disposed of, as above, with no orders as to costs.


(I.K. Rasgotra)
Member(A) 12/8/91


(T.S. Oberoi)
Member(J)