

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

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O.A. No.608/86

Date of decision 20-12-1988

Shri J.P. Sharma

.....Petitioner

Vs.

Union of India & Another

.....Respondents

Shri S.L. Lakhanpal

.....Counsel for the  
Petitioner

Shri K.C. Mittal

.....Counsel for the  
Respondents

CORAM:

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

THE HON'BLE MR. D.S. MISRA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be  
allowed to see the Judgment? *yes*

2. To be referred to the Reporter or not? *yes*

(Judgment of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice Chairman(J))

The applicant, who is working as Senior  
Draughtsman in the office of the Director General,  
Lighthouses and Lightships under the Department of  
Surface Transport, Ministry of Transport filed this  
application under Section 19 of the Administrative  
Tribunals Act, 1985, praying that the instructions  
issued by the Government of India, Ministry of Finance,  
Department of Revenue on 13.3.1984 on the subject of  
revision of pay scales of Draughtsmen should be  
implemented by the respondents and that they should

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refix his pay and grant arrears of pay in the revised pay scales in accordance with the aforesaid instructions.

2. The facts of the case are not disputed. The applicant was initially appointed as a Sr. Draughtsman through direct recruitment in the Coal Mines Welfare Organisation, Dhanbad under the Ministry of Labour in 1963. As the post was declared surplus by the said organisation, the applicant was appointed to the present post on 24.6.1974. According to the instructions issued by the Ministry of Finance, Department of Expenditure on 13th March, 1984, the scales of pay of Draughtsmen were revised as follows:-

"	Original Scale	Revised Scale on the basis of the Award
Draughtsmen Grade I	Rs.425-700	Rs.550-750
Draughtsmen Grade II	Rs.330-560	Rs.425-700
Draughtsmen Grade III	Rs.260-430	Rs.330-560"

3. The aforesaid instructions further provided that the revised scales of pay as indicated above may be granted to the Draughtsmen in offices other than Central Public Works Department (hereinafter referred to as CPWD) provided their recruitment qualifications were similar to those prescribed in the case of Draughtsmen in CPWD. Those who do not fulfil the above recruitment qualifications, will continue in the pre-revised scales. The benefit of this revision of scales of pay would be given notionally with effect from 13.5.1982, but the actual benefit will be allowed with effect from 1.11.1983.

*or*

4. The applicant has stated that the requisite qualification prescribed in the case of Draughtsmen in C.P.W.D. are; Certificate or Diploma in Draughtsmanship (Civil) from a recognised institution of not less than 2 years. He has further stated that he passed two years Civil/Engineering Draughtsmanship from the ITI Bhagalpur, Bihar and consequently he fulfils the prescribed requisite qualifications for the purpose of grant of revised scale of pay.

5. The respondents have contended in their counter affidavit that the applicant has only passed the Trade Test of Civil Engineering (Draughtsman) as per the office records and that it is not equivalent to that of a Certificate/ or Diploma in Draughtsmanship (Civil) as prescribed by the CPWD. They have annexed to the counter a comparative statement showing the provisions in the Recruitment Rules for filling up the post of Draughtsmen in different grades in the Department of Lighthouses and Lightships and CPWD. Referring to this comparative statement, the respondents have contended that the qualifications prescribed for direct recruitment in the CPWD are higher than those prescribed in the department of the respondents in respect of the post of Jr. Draughtsman/ Tracer. They have also stated that the applicant was appointed in the department to the post of Draughtsman in the pre-revised scale of Rs.205-280 (Rs.330-560 as per the revised scales with effect from

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25.6.1974). They have four categories of Draughtsmen in their department, namely, Jr. Draughtsmen/ Tracer (Rs.260-430), Draughtsmen (Rs.330-560), Draughtsmen (Rs.425-700) and Head Draughtsmen (Rs.550-750). According to the Finance Ministry's Instructions, Draughtsmen Grade II in the scale of Rs.330-560 are to be put on <sup>the</sup> revised scale of Rs.425-700, if the recruitment qualifications were at par with those prescribed in the case of Draughtsmen in CPWD.

6. In view of the above, it is not clear as to why reference to the comparative qualifications of Jr. Draughtsmen/ Tracer has been adverted to in the counter affidavit filed by the respondents. What is relevant is the comparative qualifications in respect of the posts of Draughtsmen in the scale of Rs.330-560 prescribed for the post of Draughtsman in the department where the applicant is working. The respondents have further stated that they considered the case of the applicant and it was felt that the recruitment qualifications in the case of Draughtsmen in their department did not compare favourably with those of CPWD. This averment does not find support from the comparative statement filed by them. There are three categories of Draughtsmen - those in grade III, Grade II and Grade I and the respondents have not indicated the ~~category~~ category of Draughtsmen to which the applicant was recruited. The qualifications prescribed for the post of Draughtsman Grade II, according to the comparative statement, are applicable to Draughtsmen in the scale of

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Rs.330-560 as well as those in the scale of Rs.425-700. In view of this, there is vagueness in the contention made by the respondents that the recruitment qualifications in the case of Draughtsmen in their department do not compare favourably with those of CPWD.

7. We have gone through the records of the case and heard the learned counsel for both the parties. Shri Lakhanpal, learned counsel of the applicant drew out attention to the judgment delivered by Shri B.C. Mathur, Vice Chairman on 10.6.88 in OA 301/86 (J.P. Sharma & Others Vs. U.O.I. & Others). That case did not deal with the question of extension of revised pay scale of Draughtsmen in offices other than CPWD, pursuant to the instructions issued by the Ministry of Finance on 13th March, 1984. In that case, the applicants had challenged the recommendations of the Third Pay Commission, wherein the Commission recommended two different scales of pay while revising the pay scales of Draughtsmen, particularly those working in the scale of Rs.205-280. Therefore, Shri Mittal, learned counsel for the respondents contended that the aforesaid judgment would not apply in the facts and circumstances of the present case.

8. We agree with the contention raised by Shri Mittal. However, the learned counsel for the applicant has produced before us a photostat copy of the Diploma in Craftsmanship, issued by the Directorate General of Resettlement and Employment in August, 1958, together with a letter issued by the said Directorate on 25th September, 1987. It has been stated in the said letter that Diploma in Craftsmanship in the

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Trade of Draughtsman (Civil) awarded by Directorate General of Resettlement to the trainees admitted under the Craftsmen/ Displaced persons Training Scheme before February 1959 will be deemed to be equal to National Trade Certificate in Draughtsman (Civil) Trade awarded to the trainees of ITIs/ ITCs under the aegis of National Council for Vocational Training and both the above certificates are recognised for the purpose of recruitment to the subordinate posts and services under the Central Government. On the strength of this certificate, the learned counsel of the applicant contended that the applicant fulfils the requisite qualifications prescribed for similar posts in C.P.W.D. It appears from the records of the case that the respondents have not duly considered the fact that the applicant is a Diploma holder in Craftsmanship which is equivalent to a Diploma prescribed for the post of Draughtsman in CPWD.

9. In the circumstances, the present application can be disposed of with the directions to the respondents to consider the claim of the applicant for higher scale of pay in accordance with the instructions issued by the Ministry of Finance on 13th March, 1984 and our observations hereinabove. They should also take into account the fact that the applicant is the holder of Diploma in Craftsmanship, which has been recognised as equivalent to National Trade Certificate issued by the ITIs/ITCs. The applicant will be entitled to all consequential benefits as envisaged in the

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instructions issued by the Ministry of Finance on 13th March, 1984, in case it is found that the requisite qualifications prescribed for the post to which he was appointed by the respondents are similar to those prescribed in the case of Draughtsman in <sup>as</sup> ~~in~~ CPWD.

10. The respondents shall comply with the above directions within one month of the date of communication of this order. The parties will bear their own costs.

*[Signature]*  
20.12.84

(D.S. MISRA)  
MEMBER (A)

*[Signature]*

20/12/84  
(P.K. KARTHA)  
VICE CHAIRMAN