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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO.245/87

DATE OF DECISION: 1-8-1991

SHRI D.K. KAUSHIK & OTHERS

...APPLICANTS

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

CORAM:

THE HON'BLE MR. B.S. SEKHON, VICE CHAIRMAN

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

FOR THE APPLICANTS

SHRI V.P. SHARMA, COUNSEL

FOR THE RESPONDENTS

SHRI P.P. KHURANA, COUNSEL

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

The short question raised in this O.A. is whether junior Draftsmen in the Establishment of Director General Employment and Training (DGE&T for short) should be granted the same scale of pay, as allotted to the Draftsmen Grade II in the Central Public Works Department (CPWD for short) on the ground that junior Draftsmen in DGE&T possess equivalent or higher qualifications than those obtaining in CPWD for corresponding category.

2. The case of applicants S/Shri D.K. Kaushik, C.M. Sharma, A.K. Gandhi, S. Bhutani and N.K. Yadav who have filed this application under Section 19 of the Administrative Tribunals Act, 1985, is that despite various representations the respondents have not granted them the scale of pay equivalent to Draftsmen Grade II as authorised in terms of Ministry of Finance, Department of Expenditure OM No.F.5(59)-B III/82 dated 13.3.1984. According to the said order "the scales of pay of Draftsmen Grade III, II and I in offices/departments of the Government of India other than Central Public Works Department may be revised as above provided their recruitment qualifications are similar to

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those prescribed in the case of Draftsmen in Central Public Works Department. Those who do not fulfil the above recruitment qualifications will continue in the pre-revised scales." The benefit of revision of scales of pay would be given notionally w.e.f. 13.5.1982. The actual benefit being allowed w.e.f. 1.11.1983. The respondents answer to the claim of the applicants has been that the matter was under consideration.

3. The respondents in their reply have not disputed the comparative statement of qualifications of Junior Draftsmen and Draftsmen Grade II in CPWD. From the extract given below it would be seen that the Junior Draftsmen possess equivalent/higher recruitment qualifications than the Draftsmen Grade II in the C.P.W.D.:-

Junior Draughtsmen in D.G.E.&T	Draughtsmen Grade II in C.P.W.D.
1. Matriculation or equivalent	Matriculation or equivalent.
2. National Trade Certificate in Draughtsmen (Mech)	National Trade Certificate in Draughtsmen (Mech/Elec/Civil)
3. At least three years practical experience in Drawing office or in Engg. Workshop.	At least one year practical experience in the line.

Nevertheless, the respondents have not granted the pay scale to the applicants as they are entitled to in terms of Ministry of Finance's OM dated 13.3.1984 on the plea that the structure of the cadre of CPWD viz. Grade I, Grade II and Grade III is not comparable with the structure of the cadre in DGE&T. To our mind the structure or the nomenclature of the posts has no relevance, as long as the Junior Draftsmen possess the same/higher qualifications as prescribed for the Draftsmen Grade II of the CPWD. Accordingly, the junior Draftsmen in DGE&T are entitled to


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the same scale of pay as applicable to the CPWD Draftsmen Grade II viz. Rs.425-700. The cases involving identical issues of law, giving such relief have already been decided by the Tribunal and the reasoning, therefore, has been given in our earlier judgements in **OA-1/89 Nain Singh Bhakuni & Ors. v. UOI & Ors.** decided on 21.2.91 and **OA-299/89 P.S. Bhatnagar & Ors. v. UOI & Ors.** decided on 6.3.1991.


The rationale given in the above decisions is equally applicable to the case of the applicants in the matter before us.

Accordingly, we order and direct that the respondents shall place the applicants herein in the pay scale of Rs.425-700 (pre-revised) notionally w.e.f. 13.5.1982 with actual benefit from 1.11.1983 instead of the pay scale of Rs.330-560 in accordance with the Ministry of Finance's OM dated 13.3.1984.

There will be no order as to costs.


(I.K. RASGOTRA)

MEMBER(A)


(B.S. SEKHON)

VICE CHAIRMAN

1-8-91