

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 1047/90  
T.A. No.

199

DATE OF DECISION 5-6-97

Smt. P. Savita and Ors.

Petitioner

Shri H.S. Barihar

Advocate for the Petitioner(s)

Versus

UOI & Ors.

Respondent

Shri V.S.R. Krishna

Advocate for the Respondent(s)

## CORAM

The Hon'ble Shri S.R. Adige, Member (A)

The Hon'ble Smt. Lakshmi Swaminathan, Member (J)

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

2. Whether it needs to be circulated to other Benches of the Tribunal? *x*

*B. Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

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Central Administrative Tribunal  
Principal Bench

O.A. 1047/90

New Delhi this the 5th day of June, 1997

Hon'ble Shri S.R. Adige, Member(A).

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

- (1) P. Savita s/o Late P.L. Savita, aged 45 years  
Ordnance Factory, Khamaria, Jabalpur.
- (2) B.K. Gupta s/o D.C. Gupta, aged 39 years,  
Ordnance Factory, Khamaria, Jabalpur.
- (3) K.K. Das s/o Late S.C. Das, aged 36 years,  
Ordnance Factory, Khamaria, Jabalpur.
- (4) R.N. Bandhopadhyaya s/o Late S.B. Bandhopadhyaya  
Ordnance Factory, Khamaria, Jabalpur.
- (5) P.K. Bahuguna s/o Shri S.N. Bahuguna, aged 33 yrs.  
Ordnance Factory, Khamaria, Jabalpur.
- (6) M.L. Bahuguna s/o Shri S.N. Bahuguna, aged 37 yrs.  
Ordnance Factory, Khamaria, Jabalpur.
- (7) Shri P.K. Banerjee s/o H.P. Banerjee, aged 46 yrs.  
Ordnance Factory, Khamaria, Jabalpur.
- (8) A.K. Srivastava s/o Late L.N. Srivastava, aged 37 years  
Ordnance Factory, Khamaria, Jabalpur.
- (9) K.C. Tiwari s/o Late J.D. Tiwari, aged 44 years  
Ordnance Factory, Khamaria, Jabalpur.
- (10) T. Padma abhan s/o M.K. Nayyar, aged 40 years  
Ordnance Factory, Khamaria, Jabalpur.
- (11) S.C. Arya s/o Late Atma Ram Arya, aged 45 years  
Ordnance Factory, Khamaria, Jabalpur.
- (12) B.K. Dan s/o Late Bishanbhar Dan, aged 51 years  
Ordnance Factory, Khamaria, Jabalpur.
- (13) B.D. Shakur s/o Late Mumtaz Thakur, aged 54 years  
Ordnance Factory, Khamaria, Jabalpur.
- (14) H. Vishwakarma s/o M.L. Vishwakarma, aged 49 years  
Ordnance Factory, Khamaria, Jabalpur.
- (15) M.L. Vishwakarma s/o J.R. Vishwakarma, aged 54 years  
Ordnance Factory, Khamaria, Jabalpur.
- (16) K.K. Yadav s/o Late G.P. Yadav, aged 48 years  
Ordnance Factory, Khamaria, Jabalpur.

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- (17) Damodar Singh s/o Late Prem Singh, aged 57 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (18) H.L. Jamnotia s/o G.L. Jamnotia, aged 50 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (19) N.N. Sarkar, s /o Late R.N. Sarkar, aged 53 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (20) J.K. Jain s/o B.L. Chaudhary, aged 49 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (21) A.R.N. Nayar s/o S.A. Nayar, aged 51 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (22) P.N. Gupta s/o D.R. Gupta, aged 50 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (23) R.K. Shukla s/o Late M.L. Shukla, aged 52 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (24) S.K. Chakravorty s/o Late B.N. Chakravorty, aged 55 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (25) S.B. Chaudhary s/o Late S.N. Chaudhary, aged 47 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (26) R.L. Taheem s/o Late Hukmi Ram Taheem, aged 60 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (27) N.K. Kohli s/o Late G.R. Kohli, aged 48 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (28) P.C. Mukherjee s /o Late R.M. Mukherjee, aged 49 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (29) P.C. Mirdha s/o Late Manohar Mirdha, aged 45 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (30) N.N. Roichaudhary s/o Late R.N. Roichaudhary, aged 50 years  
Ordnance Factory, Khamaria, Jabalpur.
  - (31) A.K. Chatterjee s/o B.B. Chatterjee, aged 43 years  
Gray Iron Foundary, Jabalpur.
  - (32) P.Paul s/o S.R. Paul, aged 40 years  
Gray Iron Foundary, Jabalpur.
  - (33) P.K. Halidar s/o Late R.C. Halidar, aged 40 years  
Gray Iron Foundary, Jabalpur.
  - (34) P.K. Bhattacharya s/o Late M.N. Bhattacharya, aged 40 years  
Gray Iron Foundary, Jabalpur.
  - (35) S.K. Nath s/o Late P.N. Nath, aged 40 years  
Gray Iron Foundary, Jabalpur.
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- (36) Salim Mohammed s/o Sekh Chand, aged 42 years,  
Gray Iron Foundary, Jabalpur.
  - (37) B.S. Sengupta s/o K.G. Sengupta, aged 43 years,  
Gray Iron Foundary, Jabalpur.
  - (38) T.K. Basu s/o Late M.M. Basu, aged 47 years  
Gun Carriage Factory, Jabalpur
  - (39) Sital Kumar Das s /o Late N.C. Das, aged 44 years  
Gun Carriage Factory, Jabalpur.
  - (40) S.K. Day s/o S.K. Day, aged 36 years  
Gun Carriage Factory, Jabalpur.
  - (41) P.V. Pathak s/o V. Pathak, aged 50 years,  
Gun Carriage Factory, Jabalpur.
  - (42) D.N. Trivedi s/o Late G.N. Trivedi, aged 51 years  
OIF Factory, Dehradun.
  - (43) M.S. Sekhon s/o Late G.S. Sekhon, aged 46 years  
O.L. Factory, Dehradun.
  - (44) S.L. Gupta s/o S.P. Gupta, aged 50 years  
O.L. Factory, Dehradun.
  - (45) G.S. Nigam s/o T.P. Nigam, aged 46 years  
O.L. Factory, Dehradun.
  - (46) N.K. Chaki s/o L.J. Chaki, aged 50 years,  
O.L. Factory, Dehradun.
  - (47) Naresh Kumar s/o Vishnu Chand, aged 40 years,  
O.L. Factory, Dehradun.
  - (48) V.K. Aggarwal s/o Late R.N. Aggarwal, aged 41 years  
O.L. Factory, Dehradun.
  - (49) O.P. Nautiyal s/o S.R. Nautiyal, aged 44 years  
O.L. Factory, Dehradun.
  - (50) S.N. Khan s/o Late M.M. Khan, aged 47 years  
O.L. Factory, Dehradun.
  - (51) S.S. Thakur s/o Late D.S. Thakur, aged 40 years  
O.L. Factory, Dehradun.
  - (52) J. Devnath s/o R.K. Devnath, aged 35 years  
O.L. Factory, Dehradun.
  - (53) A.K. Tiwari s/o R.N. Tiwari, aged 31 years,  
O.L. Factory, Dehradun.
  - (54) K.B. Mehta s/o C.L. Mehta, aged 50 years  
O.L. Factory, Dehradun.
  - (55) Musharraf Hussain s/o Late Majid Hussain, aged 47 years  
O.L. Factory, Dehradun.
  - (56) Yashpal s/o Tej Singh aged 44 years  
O.L. Factory, Dehradun.
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- (57) R.H. Singh s/o V.B. Singh, aged 47 years,  
Ordnance Factory, Dehradun.
- (58) R.S. Bisht s/o Late S.N. Bisht, aged 48 years  
Ordnance Factory, Dehradun.
- (59) H.S. Day s/o Late D.C. Day, aged 51 years,  
Ordnance Factory, Dehradun.
- (60) M.G. Sinha s/o Late B.C. Sinha, aged 44 years  
Ordnance Factory, Dehradun.
- (61) S.K. Singh s/o Late S.B. Singh Kushwaha, aged 43 years  
O.C. Factory, Shahjhanpur.
- (62) I.C. Gupta s/o Late Sohanlal, aged 50 years  
O.C. Factory, Shahjhanpur.
- (63) O.P. Awasthy s/o Late G.S. Awasthy, aged 53 years  
O.C. Factory, Shahjhanpur.
- (64) Harbhajan Singh s/o S.K. Singh, aged 43 years  
Ordnance Factory, Bhandara.
- (65) P.N.S. Pillai s/o Late S.C. Pillai, aged 36 years,  
Ordnance Factory, Bhandara.
- (66) R.N. Awasthy s/o Late G.N. Awasthy, aged 50 years,  
Small Arms Factory, Kanpur.
- (67) A.Gurtu s/o Late H.L. Gurtu, aged 51 years,  
Small Arms Factory, Kanpur.
- (68) T.K. Chakarvorthy s/o D.C. Chakarvorthy, aged 48 years,  
Small Arms Factory, Kanpur.
- (69) R.S. Prajapati s/o Sitaram, aged 47 years,  
Small Arms Factory, Kanpur.
- (70) S.C. Sabbarwal s/o Late Shivcharan Lal, aged 48 years,  
~~Small~~ Ordnance Factory, Kanpur.
- (71) R.K. Sharma s/o Late Devtadin, aged 46 years,  
Ordnance Factory, Kanpur.
- (72) S.P. Saxena s/o P. Saxena, aged 46 years,  
Small Arms Factory, Kanpur.
- (73) ~~S.Dhar~~ Kirpal Singh s/o K. Singh, aged 46 years,  
Ordnance Factory, Kanpur.
- (74) S. Dhar s/o Late J.M. Dhar, aged 47 years  
C.E.P. Avadi.
- (75) D.K. Chakravorthy s/o Late A.M. Chakarvorty, aged 46 years,  
C.E.P. Avadi.
- (76) B.B. Lal s/o B.B. Lal, aged 44 years,  
H.V. Factory, Avadi.
- (77) T.K. Banerjee s/o P.N. Banerjee, aged 37 years,  
H.V. Factory, Avadi.

- (78) T.Girijanathan s/o Late T.S.V.Pillai, aged 44 years,  
Heavy Vehicle Factory, Avadi.
  - (79) A.K. Burman s/o K.Burman, aged 44 years,  
Heavy Vehicle Factory, Avadi.
  - (80) Y.P. Singh s/o Rajendra Singh, aged 49 years,  
Vehicle Factory, Jabalpur.
  - (81) P.K. Srivastava s/o K.Srivastava, aged 37 years,  
Vehicle Factory, Jabalpur.
  - (82) Sapan Kumar Dutta s/o Dutta aged 37 years,  
Vehicle Factory, Jabalpur.
  - (83) P. Debanath aged about 38 years,  
Vehicle Factory, Jabalpur.
  - (84) B.K. Saha s/o K.M. Saha, aged 35 years,  
Vehicle Factory, Jabalpur.
  - (85) S.P. Thakur aged about 45 years,  
Vehicle Factory, Jabalpur.
  - (86) R.K. Jain aged about 50 years,  
Vehicle Factory, Jabalpur.
  - (87) G.C. Badlikamani aged about 47 years,  
Vehicle Factory, Jabalpur.
  - (88) B.L. Vishwakarma s/o Late S.R. Vishwakarma, aged 47 years,  
Vehicle Factory, Jabalpur.
  - (89) Bhagwandas s/o Late Gokuldas, aged 51 years,  
Vehicle Factory, Jabalpur.
  - (90) A.K. Ghosh s/o Late A.C. Ghosh aged 54 years  
Vehicle Factory, Jabalpur.
  - (91) D.N. Sarkar aged about 49 years,  
Vehicle Factory, Jabalpur.
  - (92) H.P. Bhattacharya aged about 46 years,  
Vehicle Factory, Jabalpur.
  - (93) G.D. Sarkar aged about 37 years,  
Vehicle Factory, Jabalpur.
  - (94) R.C. Ghosh s/o K.C. Ghosh, aged 35 years,  
Vehicle Factory, Jabalpur.
  - (95) P.G. Daniel aged about 48 years,  
Vehicle Factory, Jabalpur.
  - (96) D.F. Jhira aged about 46 years,  
Vehicle Factory, Jabalpur.
  - (97) R.K. Jha aged about 51 years,  
Vehicle Factory, Jabalpur.
  - (98) S.B. Khedkar s/o B.Khedkar, aged 46 years,  
Vehicle Factory, Jabalpur.
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- (99) G.P. Swarnakar aged about 48 years,  
Vehicle Factory, Jabalpur.
- (100) H.N. Singh s/o Late C.P. Singh, aged 40 years,  
Vehicle Factory, Jabalpur.
- (101) S.K. Day s/o D.C. Day, aged about 36 years,  
Vehicle Factory, Jabalpur.
- (102) Debotosh Biswas s/o Late M.M. Biswas, aged 34 years  
Vehicle Factory, Jabalpur.
- (103) Norbart Debit aged about 56 years,  
Vehicle Factory, Jabalpur.
- (104) S. Majumdar s/o Late B. Majumdar, aged 34 years,  
Vehicle Factory, Jabalpur.
- (105) D. Dhar s/o Late S.K. Dhar, aged 45 years,  
Vehicle Factory, Jabalpur.
- (106) A.S. Rajbans aged about 44 years,  
Vehicle Factory, Jabalpur.
- (107) S.K. Sharma, s/o H.D. Shashtri, aged 44 years,  
Vehicle Factory, Jabalpur.
- (108) S.G. Godbole s/o Late G.S. Godbole, aged 47 years,  
Vehicle Factory, Jabalpur.
- (109) W. Shankar s/o S.N. Parshad, aged 38 years,  
Vehicle Factory, Jabalpur.
- (110) B.S. Munday aged about 48 years,  
Vehicle Factory, Jabalpur.
- (111) O.D. Jha s/o Late P.R. Jha, aged 48 years,  
Vehicle Factory, Jabalpur.
- (112) Asit Mukhopadhyay s/o Late R. Mukhopadhyay, aged 39 years  
Rifle Factory, Ichapur.
- (113) N.K. Mandal s/o N.C. Mandal, age 53 years  
Rifle Factory, Ichapur.
- (114) D.K. Basak s/o H.K. Basak, age 37 years,  
Rifle Factory, Ichapur.
- (115) G.K. Basu s/o K.N. Basu, age 37 years,  
Rifle Factory, Ichapur.
- (116) Jayanta Kar s/o S.K. Kar, age 32 years,  
Rifle Factory, Ichapur.
- (117) B.N. Bose s/o B. Bose, age 53 years,  
Ordnance Factory Ambajhari.
- (118) S.K. Bhaskar s/o Late Shibho Singh, age 46 years,  
Ordnance Factory Ambajhari.
- (119) M.L. Sharma s/o Late K.R. Sharma, age 45 years,  
Ordnance Factory Ambajhari.

- (120) D.K. Kar s/o Late N.C. Kar, age 42 years  
Ordnance Factory Ambajhari.
  - (121) B.K. Chakravorthy s/o Late T.N. Chakravorthy, age 42 years,  
Ordnance Factory Ambajhari.
  - (122) A.K. Adhikari s/o Late A.R. Adhikari, aged 37 years,  
Ordnance Factory Ambajhari.
  - (123) D.C. Roy s/o Late G.C. Roy, age 46 years,  
Ordnance Factory Ambajhari.
  - (124) M. Mukhopadhyay s/o K.N. Mukhopadhaya, age 31 years,  
Ordnance Factory Ambajhari.
  - (125) A.K. Polly s/o S.C. Polly, age 33 years,  
Ordnance Factory Ambajhari.
  - (126) B.C. Bhattacharjee s/o J.B. Bhattacharjee, age 36 years,  
Ordnance Factory Katni.
  - (127) S.K. Kapur s/o Late K.L. Kapur, age 39 years,  
Ordnance Factory Katni.
  - (128) M.L. Yadav s/o J.R. Yadav, age 47 years,  
Ordnance Factory Katni.
  - (129) P. Chattarjee s/o A.R. Chattarjee, age 47 years,  
Ordnance Factory Katni.
  - (130) S.N. Chattarjee s/o Late L.N. Chatterjee, aged 55 years  
Ordnance Factory Katni.
  - (131) B.J. Subramaniam s/o Late D.J. Sowder, age 46 years,  
Ordnance Factory Trichurapally.
  - (132) V.M. George s/o G. Mathai, age 53 years,  
Ordnance Factory Trichurapally.
  - (133) V.T.K. Ashokan s/o Late V.T.R. Kumaran, age 47 years,  
Ordnance Factory Trichurapally.
  - (134) George Verghese s/o Y. Verghese age 47 years,  
Ordnance Factory Trichurapally.
  - (135) M.Varkey s/o M.V. Kora, age 44 years,  
Ordnance Factory Trichurapally.
  - (136) A.G. Mohanram s/o P. Ganeshan, age 49 years,  
Ordnance Factory Trichurapally.
  - (137) A.A. Sethuraman s/o Late A.G. Anantharamanan, age 46 years,  
Ordnance Factory Trichurapally.
  - (138) M.Balasubramanian s/o Late M.Mathurari, age 43 years,  
Ordnance Factory Trichurapally.
  - (139) M.B. Sonawane s/o B.R. Sonawane, age 50 years,  
Ammunition Factory Kirkee.
  - (140) A.R. Horne s/o P.H orne, aged 50 years,  
Ammunition Factory Kirkee.
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- (141) A.A. Kale s/o A. Kale, aged 47 years,  
Ammunition Factory Kirkee.
  - (142) P.B. Potekar s/o B.R. Potekar, age 45 years,  
Ammunition Factory Kirkee.
  - (143) M.D. Makasare s/o D.S. Makasare, age 53 years,  
Ammunition Factory Kirkee.
  - (144) P.B. Bhatye s/o B.R. Bhatye, age 47 years,  
Ammunition Factory Kirkee.
  - (145) N.S. Shindhey s/o S.T. Sindhey, age 52 years,  
Ammunition Factory Kirkee.
  - (146) F.T. Noronha s/o T.V. Naronha, age 50 years,  
Ammunition Factory Kirkee.
  - (147) B.R.S. Bedi s/o S.S. Bedi, age 47 years,  
Ammunition Factory Kirbee.
  - (148) Y.A. Jayraman s/o M. Ajjan Jayraman, age 39 years,  
Ammunition Factory Kirbee.
  - (149) S.V. Kale s/o V.B. Kale, age 49 years,  
Ammunition Factory Kirbee.
  - (150) A.N. Sankpal s/o N.P. Sankpal, age 49 years,  
Ammunition Factory Kirbee.
  - (151) S.N. Naskar s/o K.P. Naskar, age 35 years,  
Ammunition Factory Kirbee.
  - (152) G.C. Dutta s/o Late S.N. Dutta, age 50 years,  
Ordnance Factory Dumdum.
  - (153) G.M. Das s/o S.S. Das, age 42 years,  
Ordnance Factory Dumdum.
  - (154) A.K. Ghosh s/o M.L. Ghosh, age 34 years,  
Ordnance Factory Dumdum.
  - (155) S.Z. Hayder s/o Late S.R. Hussain, age 44 years,  
Ordnance Factory Project Medak.
  - (156) P.C. Mirdha s/o Late S. Mirdha, age 41 years,  
Ordnance Factory Project Medak.
  - (157) S.L. Jain s/o Late D.C. Jain, age 49 years,  
Ordnance Factory Project Medak.
  - (158) R.K. Chattraj s/o Late H.K. Chattraj, aged 47 years,  
Ordnance Factory Project Medak.
  - (159) M.H. Khan s/o M.H. Khan, age 41 years,  
Field Gun Factory Kanpur.
  - (160) Lakshman Singh s/o Late Govind Singh, aged 38 years,  
Field Gun Factory Kanpur.
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- (161) A.K. Tripathi s/o Late L.N. Tripathi, age 43 years,  
Field Gun Factory Kanpur.
  - (162) P.N. Lal s/o Late K.P. Srivastava, age 43 years,  
Field Gun Factory Kanpur.
  - (163) S.C. Pandey s/o K.S. Pandey, age 44 years,  
Field Gun Factory Kanpur.
  - (164) Ram Kumar s/o Late Santlal, age 43 years,  
Field Gun Factory Kanpur.
  - (165) V.N. Rai s/o S.N. Rai, age 39 years,  
Field Gun Factory Kanpur.
  - (166) N.K. Gogia s/o Late J.D. Gogia, age 37 years,  
Field Gun Factory Kanpur.
  - (167) D.K. Saha s/o Late H.D. Saha, age 37 years,  
Field Gun Factory Kanpur.
  - (168) N.K. Mukherjee, s/o N.M. Mukherjee, age 40 years,  
Field Gun Factory Kanpur.
  - (169) W.K. Palith s/o S.K. Palith, age 49 years,  
Field Gun Factory Kanpur.
  - (170) Paramasish Majumdar s/o Late D.K. Majumdar, age 45 years,  
Ordnance Factory Project Bolangir.
  - (171) B.K. John aged about 40 years,  
Ordnance Factory Khamaria Jabalpur.
  - (172) P.K. Patra s/o D.C. Patra, age 41 years,  
High Explosive Factory Kirkee.
  - (173) D.K. Dev s/o B.H. Dev, age 38 years,  
High Explosive Factory Kirkee.
  - (174) D.D. Bhattacharya s/o Late L.H. Bhattacharya, age 39 years,  
High Explosive Factory Kirkee.
- ...Applicants.

By Advocate Shri H.S. Parihar.

Versus

1. Union of India, through  
The Secretary,  
Ministry of Defence, Production,  
Government of India,  
New Delhi.
- P.B.

2. The Chairman,  
Ordnance Factory Board,  
10-A, Auckland Road,  
Calcutta.

...Respondents.

By Advocate shri V.S.R. Krishna.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

This application has been filed by 174 applicants, who are working in the Indian Ordnance Factories under the respondents. They claim that at the relevant time, i.e. 1.1.1973, that is the date when the recommendations of the 3rd Pay Commission were given effect to, they were working as Senior Draughtsmen and hence they claim equation with the Draughtsmen Grade-I of CPWD, by revising their pay scales from Rs.425-700 to Rs.550-750 from the date of their appointment/promotion to the post of Senior Draughtsmen in terms of the CPWD award dated 10.11.1980.

2. The relevant facts of the case are as follows:

According to the applicant in the Central Government, there are several departments, such as Defence Production, Railways, C.P.W.D., Army Ordnance School, Indian Institute of Technology, etc. which are having the posts of Draughtsmen/Sr. Draughtsmen. In all these departments, the pay scales for the Draughtsmen/Sr. Draughtsmen have been similar throughout. They submit that there are Draughtsmen and Sr. Draughtsmen in the Indian Ordnance Factories and the Sr. Draughtsmen are either recruited directly or promoted from the post of Draughtsmen. They state that the Draughtsmen are in the pay scale of Rs.330-560 and Sr. Draughtsmen in the pay scale of Rs.425-700. The applicants submit

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that the 1st, 2nd and 3rd Pay Commissions had recommended the same pay scale for all the Sr. Draughtsmen and the Draughtsmen Grade-I. They state that the structure of the Drawing Office Staff of the Ordnance Factories is Tracer (Rs.260-430), Draughtsmen (Rs.330-560) and Sr. Draughtsmen (Rs.425-700), the pay scales recommended by 3rd Pay Commission which were made effective w.e.f. 1.1.1973. In this report, the Sr. Draughtsmen were placed in two pay scales, i.e. Rs.330-560 and Rs.425-700. Later, the CPWD granted the same pay scale of Rs.425-700 to all the Draughtsmen Grade-I. The Board of Arbitration considered the demands made by the Draughtsmen Grade-I, II and III and gave its award dated 20.6.1980 and the pay scales of Draughtsmen in CPWD were revised as follows:

	<u>Existing</u>	<u>Revised</u>
1. Draughtsmen-I	(425-700) to	Rs.550-750
2. Draughtsmen-II	330-560 to	Rs.425-700
3. Draughtsmen-III	260-430 to	Rs.330-560

The applicant submits that the Supreme Court in Civil Appeal No. 3121/81 by judgement dated 1.5.1985 allowed the appeal of the Senior Draughtsmen whereby they were granted the same pay scale of Rs.425-700 w.e.f. 1.1.1973. They ~~also~~ rely on the order passed by the Government of India dated 13.3.1984 directing that the pay scales of Draughtsmen Grade-I, II and III in other departments may also be revised at par with those in CPWD provided their recruitment, qualifications, etc. are similar. They also rely on the judgement of the Tribunal in TA 111/86 and O.A. 87/86 (Jabalpur Bench) which allowed

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the petitions holding that the pay scales of the Draughtsmen in Ordnance Factories should be equated with the Draughtsmen Grade-II of CPWD in the pay scale of Rs.425-700. The applicants have submitted that the Tribunal had made certain observations that the post of Senior Draughtsmen was higher cadre to that of the Draughtsmen and that the Sr. Draughtsmen should be equated with the Draughtsmen Grade-I of the CPWD and, therefore, the Senior Draughtsmen should be paid the pay scale of Rs.550-750, instead of treating them as Chargemen Grade-II. They have also submitted that the Tribunal had further observed that this matter should be reviewed by the Ordnance Factory Board. The applicants' grievance is that while the Ordnance Factory Board had revised the pay scales of Draughtsmen of the Ordnance Factories equating the same with the pay scales of the Draughtsmen Grade-II of C.P.W.D. i.e. Rs. 425-700, they have not considered the case of the Sr. Draughtsmen to be equivalent of Draughtsmen Grade-I in the scale of Rs.550-750. They have further submitted that their representations dated 2.12.1989 have not been responded to. They submit that there is no justification in drawing the same scale of pay, who, according to them, have more responsibilities than that of the Draughtsmen Grade-I in CPWD or IIT Kanpur. They, therefore, claim that the respondents should be directed to equate the applicants with Draughtsmen Grade-I of CPWD by revising their pay scales of Rs.425-700 to Rs.550-750 w.e.f. 1.1.1973 or from the date of their promotion to the post of Sr. Draftsmen in accordance with the CPWD award dated 10.11.1980.

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3. Shri H.S. Parihar, learned counsel for the applicants, relies on the following judgements:

- (1) **P. Savita & Ors. Vs. Union of India & Anr.** (AIR 1985 SC 1124);
- (2) **Union of India & Ors. Vs. Shri Debashis Kar & Ors.** (JT 1995(5) 543); and
- (3) **P.K. Mondal Vs. Union of India & Ors.** (O.A. 518/88 decided on 29.3.1995) (copy placed on record).

4. The respondents have filed their reply controverting the above claims and we have also heard Shri V.S.R. Krishna, learned counsel. The learned counsel for the respondents has submitted that the applicants seek implementation of CPWD award and the O.Ms dated 10.11.1980 and 13.3.1984 which deal with the revision of pay scales of Draughtsmen working in CPWD and other departments. He submits that the applicants were not Draughtsmen at that time but they were Chargemen Grade-B. The Supreme Court in P. Savita & Ors (supra) while allowing the appeal and setting aside the judgement of the Madhya Pradesh High Court had directed the Union of India to fix the scale of pay of the appellants at Rs.425-700. It was further held that there was no basis for classification of Sr. Draughtsmen who perform the same work and discharge same functions in two groups and it was, therefore, held that it would be great injustice to continue the appellants on the scales of pay of Draughtsmen even after promotion as Sr. Draughtsmen. The respondents in their additional affidavit filed on 3.6.1996 have submitted that some of the applicants were holding the post of Supervisor 'A' (Technical) prior to 1.1.1980 which was merged into the post of Chargeman Grade-II (Technical) w.e.f. 1.1.1980 in the pre-revised pay scale

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of Rs.425-700. The other applicants were appointed as Chargemen Grade-II (Technical) from Sr. Draughtsmen w.e.f. 21.3.1980 whereas this O.A. has been filed on 16.3.1990. Later on, <sup>the</sup> 174 applicants have been promoted to higher grades which are of gazetted rank. They have filed the status of some of the applicants who are working in various Ordnance Factories throughout the country and their dates of appointment as Draughtsmen/Sr. Draughtsmen, Supervisor 'A' (Technical), Chargemen Grade-II (Technical), Chargemen Grade-I and Assistant Foremen (Technical), etc. Shri V.S.R. Krishna, learned counsel has submitted that on the date when the applicants claim the benefit of the Ministry of Finance O.M. dated 13.3.1984 which gave effect to the revision of pay scale notionally from 13.5.1982 and actual benefit from 1.11.1983, the applicants were not holding the post of Sr. Draughtsmen. They have further submitted that as the applicants have ceased to be Sr. Draughtsmen, they are not entitled for the revision of pay scale in terms of the O.M. dated 13.3.1984 as they had already been promoted to different higher grades. They have, therefore, submitted that any changes in the pay scale at this belated stage will mean change not only in higher grades, but in subsequent grades as well, resulting in heavy financial involvement on the part of the Government as the number of persons similarly situated are also large and spread out in various Ordnance Factories throughout the country. They have, therefore, submitted that the claim of the applicants for revision of pay scale from 1.1.1973 is not tenable and the application may, therefore, be dismissed.

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5. We have considered the pleadings, the submissions made by the learned counsel for the parties and the case laws relied upon by them.

6. From the facts given above and the orders passed by the respondents, it is seen that while in the Ordnance Factories organisation, there were two grades of Draughtsmen in the pay scale of Rs.330-550 and senior pay scale of Rs.425-700, in CPWD there were three grades, namely, Draughtsmen Grade-I, II and III. According to the respondents, the post of Sr. Draughtsman in their organisation was abolished by SRO 13-E dated 4.5.1989 and the incumbents of the posts of Sr. Draughtsmen were promoted/merged in the post of Supervisor Grade 'A' (Technical) w.e.f. 1.1.1980. Therefore, when the posts had been merged, the applicants have continued to work as Chargemen Grade-II (Technical). From the statement/list of some of the applicants who have been working as Sr. Draughtsmen, it is seen that the applicant No. 80 was Sr. Draughtsman w.e.f. 1.1.1966. The respondents have also denied that the post of Sr. Draughtsman in Ordnance Factories organisation is equivalent to the post of Draughtsman Grade-I of CPWD as claimed by the applicants. Even if this claim of the applicants is accepted, it would mean that what is sought is that the claim of some of the petitioners will have to date back/<sup>for</sup>more than a quarter of a century to three decades. The applicants claim based on the revision of pay scale of Draughtsmen in the Indian Institute of Technology, Kanpur at par with the pay scales of CPWD, & on the ground of the other departments of the Government of India is misconceived as the IIT, Kanpur is not a department of the Government of India.

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From the materials placed on record, it is also clear that not only the nomenclature but the method of recruitment and promotion to higher grades from Draughtsmen/Sr. Draughtsmen are entirely different in the Ordnance Factories organisation and the other departments of the Government. From the statements made by the applicant, it is not possible for us to conclude that the applicants while performing the job of Sr. Draughtsmen in the Ordnance Factories were performing the same job and shouldering the same responsibilities as Draughtsmen Grade-I in CPWD as sufficient material has not been placed on record. The Supreme Court has held in a catena of judgements that the principle of equal pay for equal work will apply not only when the persons are discharging similar duties, functions and responsibilities, but will also depend on other service conditions, status, recruitment, methods, qualifications, etc. Apart from this, the Supreme Court has also held that normally it is for the administration to decide whether two posts which very often may appear to be the same or similar to carry equal pay and it is for an expert body like the Pay Commission to look into the matter and not for the Court or the Tribunal, except where the Court has reason to believe that the scale of pay attached to the particular post is arbitrary or unreasonable. It is also significant to note that in one case (Supreme Court Employees Welfare Association Vs. Union of India, <sup>80</sup>AIR 1990 SC 334), the Supreme Court has held that it is not the

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business of the Supreme Court to fix the scale of pay in any particular category of employees in any institution under Article 32 of the Constitution. In a recent judgement of the Supreme Court (Union of India & Anr. Vs. P.V. Hariharan & Anr. (Civil Appeal No. 7127 of 1993) dated 12.3.1997, the following observations were made:

"Before parting with this appeal, we feel impelled to make a few observations. Over the past few weeks, we have come across several matters decided by Administrative Tribunal on the question of pay scales. We have noticed that quite often the Tribunals are interfering with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function. It is the function of the Government which normally acts on the recommendations of a Pay Commission. Change of pay scale of a category has a cascading effect. Several other categories similarly situated as well as those situated above and below, put forward their claims on the basis of such change. The Tribunal should realise that interfering with the prescribed pay scales is a serious matter. The Pay Commission which goes into the problem at great depth and happens to have a full picture before it, is the proper authority to decide upon this issue. Very often, the doctrine of "equal pay for equal work" is also being misunderstood and misapplied, freely revising and enhancing the pay scales across the board. We hope and trust that the Tribunals will exercise due restraint in the matter. Unless a clear case of hostile discrimination is made out, there would be no justification for interfering with the fixation of pay scales..." (Emphasis added)

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In Union of India & Ors. Vs. Shri Debashis Kar & Ors. (supra), the Supreme Court has referred to the decision of the Jabalpur Bench of the Tribunal dated 21.4.1987 (supra) in which SLP Nos. 984--40-A filed by the Union of India and Ors. were dismissed by order of the Supreme Court dated 29.7.1991. They have also referred to the other applications filed in the Calcutta Bench of the Tribunal (O.As 569/86, 570/86 and 333/89) and the Hyderabad Bench (O.A. 140/92) which following the decisions of the Jabalpur Bench allowed the applications. By this judgement of the Tribunal, the applicants were granted revision of pay and extension of the benefit of the judgement of the Jabalpur Bench. A perusal of the judgement of the Supreme Court shows that all these matters dealt with in the judgement related to the revision of pay of Draughtsmen. Having found that the qualifications which were prescribed for appointment to the post of Draughtsmen Grade-II in the CPWD were similar to Draughtsmen in the Ordnance Factories, it was held that the respondents who were placed in the pay scale of Rs.330-560 on the basis of the report of the 3rd Pay Commission were entitled to be placed in the revised pay scale of Rs.425-700 in accordance with the Office Memorandum of the Ministry of Finance dated March 13, 1984. It has also been noted by the Court that during the pendency of these cases, the Government of India, Ministry of Finance had issued an Office Memorandum dated October 19, 1984. By this Memorandum, the Government of India after considering the request of the staff side directed that the pay scales allowed to the Draughtsmen Grade-I, II and III working in the

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CPWD on the basis of the Award of Board or Arbitration may be extended to Draughtsmen Grade-I, II and III irrespective of their recruitment qualification, in all Government of India offices. Accordingly, a decision has been taken that the Draughtsmen Grade-I, II and III, other than in C.P.W.D., may also be placed in the revised scales of pay on the basis of the award, subject to certain conditions mentioned in the O.M. Debashis Kar & Ors.'s case has been sought to be relied upon by the applicant for revision of pay scales in the case of Sr. Draughtsmen. The Court after detailed examination of the relevant facts in that case have observed as follows:

"...As regards the post of Chargeman Grade II being a promotional post for Draughtsman in Ordnance Factories and it being in the scale of Rs.425-700 at the relevant time, we are of the view that merely because of promotional post for Draughtsmen in Ordnance Factories was in the scale of Rs.425-700 cannot be a justification for denying the revision of pay scales to Draughtsmen and their being placed in the scale of Rs.425-800 on the basis of the Office Memorandum dated March 13, 1984 if such Draughtsmen are otherwise entitled to such revision in the pay scale on the basis of the said memorandum. Moreover, the provision regarding promotion of Draughtsman as Chargeman Grade II in Ordnance Factories was introduced by the Indian Ordnance Factories Group C supervisory and Non-Gazetted Cadre (Recruitment and Conditions of Service) Rules, 1989 issued vide Notification dated May 4, 1989. The said Rules are not retrospective

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in operation. Here we are concerned with the revision of pay scales with effect from May 13, 1982 on the basis of the Office Memorandum dated March 13, 1984 and, at that time, the said Rules were not operative. Therefore, on the basis of the aforesaid Rules, Draughtsmen in Ordnance Factories cannot be denied the benefit of revision of pay scales on the basis of the Office Memorandum dated March 13, 1984. The appeals and the SLPs as well as Review Petitions relating to Draughtsmen in Ordnance Factories are, therefore, liable to be dismissed".


7. We are unable to see how the judgement of the Supreme Court in Debashis Kar's case (supra) will assist the applicants in the present case for claiming revision of pay scale as Sr. Draughtsmen in Rs.550-750 w.e.f. 1.1.1973 based on the O.M. dated 13.3.1984. The O.M. itself deals with the Draughtsmen Grade-I, II and III who are given the benefit of the revised pay scale w.e.f. 1.11.1983. As already mentioned above, the applicants have not placed any sufficient materials on record to show that their demand for parity with Sr. Draughtsmen in the CPWD is justified on the basis of the similarity of the duties, functions, responsibilities, mode of recruitment, qualifications and other service conditions as existed on 1.1.1973. In the present case, the applicants have not given the actual dates of <sup>their</sup> appointment as Chargemen Grade-II and it is also relevant to note that the respondents have stated that the applicants who were Sr. Draughtsmen were merged in the post of Supervisor 'A' (Technical), Chargemen Grade-II w.e.f. 1.1.1980. Another relevant fact is that in the Ordnance

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Factories, there were two grades of Draughtsmen i.e. Draughtsmen and Sr. Draughtsmen and not three grades, namely, Draughtsmen Grade-I, II and III as in the CPWD. These are all material differences which cannot be ignored. Some of the applicants who are before us had already been appointed as Sr. Draughtsmen more than three decades back.

8. Therefore, after considering the lengthy arguments advanced by the learned counsel for the applicants and examining the materials on record and having regard to the judgements of the Supreme Court in State of U.P. Vs. J.P. Chaurasia, AIR 1989 SC 19, Union of India & Anr. Vs. P.V. Hariharan & Anr.(supra) and State of West Bengal Vs. Harinarayan Bhowal, 1994(27) ATC 121, we are of the view that there is no justification for interference in the matter, as claimed by the applicants. This is not a case where the principle of equal pay for equal work applies. Besides, the claim of the applicants, if allowed, will have the effect of unsettling the settled position which in any case is not warranted on the materials placed before us or in the public interest. In the result, after carefully considering the pros and cons of the claims advanced by the applicants, we dismiss this application. No order as to costs.

  
(Smt. Lakshmi Swaminathan)  
Member(J)

  
(S.R. Adige)  
Member(A)

'SRD'