

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO. 608/90

DATE OF DECISION: 10.4.92

LAL CHAND & ANOTHER

...APPLICANTS

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

CORAM:-

THE HON'BLE MR. JUSTICE RAM PAL SINGH, VICE-CHAIRMAN (J)  
THE HON'BLE MR. I.P. GUPTA, MEMBER (A)

FOR THE APPLICANTS

IN PERSON.

FOR THE RESPONDENTS

SHRI N.S. MEHTA, SENIOR  
COUNSEL.

JUDGEMENT

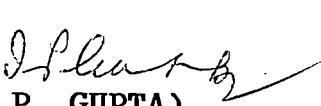
(DELIVERED BY HON'BLE MR. I.P. GUPTA, MEMBER (A))

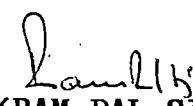
The two applicants Lal Chand and Luxman Singh are working as Draughtsmen Grade II. Consequent upon the recommendation from the Board of Arbitration on 26.6.1980, the respondents vide their order dated 13th March, 1984 revised the scale of Draughtman, Grade II from Rs.330-560 to Rs.425-700. By the order dated 13th March, 1984 the respondents decided that the scales of pay of Draughtsmen, Grade III, II & I in the offices of the Government of India other than C.P.W.D. should be revised as above provided the recruitment qualifications were similar to those prescribed in the case of Draughtsmen in the Central Public Works Department. However, the applicants were given revised scale of pay (Rs.425-700) by orders dated 15.10.1984 and 27.9.85. But suddenly by order dated 27.3.1990 the revised scales as allowed were withdrawn and the excess payment was ordered to be adjusted against pay and allowances. No reasons were given.

2. The applicants said that the eligibility conditions for Draughtsmen Grade II in their Department were similar to those appointed in C.P.W.D. While the learned counsel for the respondents did not counter in regard to eligibility condition but he added that the percentages for promotion to Grade II in the Department of the applicants were not the same as those of C.P.W.D. and, therefore, the recruitment qualifications could not be called as exactly similar and consequently the pay scales could not be similar.

3. We have heard both the counsels and we are of the view that if the eligibility conditions are the same for Draughtsmen, Grade II in C.P.W.D. and in the department of the applicants, the mere fact that the percentages of promotion are different, should not make the applicants ineligible for the revised scale of Rs.425-700, more so when they were allotted the higher scale in 1984 and 1985. In view of the above, the two office orders dated 27.3.1990 in respect of the two applicants reducing their pay scale and pay without any show cause, are quashed and the respondents are directed to continue to treat them in the matter of pay scale to the posts of Draughtsman, Grade II similarly, as is being done in C.P.W.D.

4. With the above directions the case is disposed of, with no order as to costs.

  
(I.P. GUPTA)  
MEMBER(A)

  
(RAM PAL SINGH)  
VICE-CHAIRMAN (J)