

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. 2756/91

22

New Delhi this the 23<sup>rd</sup> day of October, 1997

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

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

1. Shri K.O. Francis,  
S/o Shri K.V. Ouseph  
aged 33 years,  
Senior Draughtsman,  
Directorate of Naval Design,  
R/o 161/V, Pushpa Vihar,  
Saket, New Delhi - 17.
2. Shri Sivadasan,  
S/o Shri Kumaran,  
aged 30 years,  
Senior Draughtsman  
Directorate of Naval Design,  
R/o A-3/18E Kondili Kharoli  
New Delhi -
3. Shri N.M. Chacko  
S/o Late Varghese Mathai  
aged about 34,  
Senior Draughtsman  
Directorate of Systems(Engg.)  
R/o 54, Laxmi Market,  
Patpar Ganj,  
Delhi- 92.
4. Shri Vijay Kumar  
S/o Shri Sita Ram Jain  
aged about 47  
Senior Draughtsman(Elect.)  
Directorate of Ship Production  
Naval Headquarters.  
R/o 45 B, Sector IV,  
DIZ Area, New Delhi - 1.

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5. Shri Sitala Devara Prasad,  
S/o Shri C. Subba Rao  
aged about 38  
Senior Draughtsman(L)  
Directorate of Ship Production  
Naval Headquarters  
R/o Sector 6, Quarter 290,  
R.K. Puram, New Delhi - 22.
6. Shri B. Venugopal  
S/o Shri B. Gopalakrishna Rao  
aged about 38  
Sr. Draughtsman(Elect.)  
Directorate of Ship Production  
Naval Headquarters  
R/o H-28, Munirka, New Delhi-67.
7. Shri V.N. Premarajan  
S/o Shri V.N. Kumaran  
aged about 33  
Senior Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o 23/693, DDA Flats,  
Madangir, New Delhi - 62.
8. Shri C. Nandakumaran Nair  
S/o Shri Chandrasekharan Nair  
aged about 34  
Senior Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o Quarter No. 961, Sector-VII  
Pushp Vihar, Saket, New Delhi-17.
9. Shri C. Benny  
S/o Shri Pa ly Chackappan  
aged about  
Senior Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
510, Tagore Road Hostel,  
Minto Road New Delhi - 2.
10. Shri Jai Narain  
S/o Shri Gopi Ram  
aged about 29  
Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o D-29, Moti Bagh-I,  
New Delhi - 21.

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11. Shri Balvir Singh  
S/o Shri Nazar Singh  
aged about 30  
Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o T-517/036, Baljit Nagar  
New Delhi - 110 008.
12. Shri Subhash Chand  
S/o Brij Lal  
aged about 26  
Senior Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o H.No.468, Harsroop Colony,  
Fethepurberi, New Delhi - 30.
13. Shri Thomas Devasia  
S/o Shri D. Devasia,  
aged about 32,  
Senior Draughtsman,  
Directorate of Naval Design  
Naval Headquarters  
R/o 100 N/Sector IV  
Pushp Vihar, New Delhi.
14. ~~Smt~~ Shri Santosh Bansal  
~~Shri~~ Shri Rakesh Bansal  
aged about 35  
Senior Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
761, Vikas Kunj/Vikas Puri,  
New Delhi.
15. Smt. Uma Madan  
w/o Shri Triloki Nath Madan,  
about 36 years,  
Senior Draughtsman,  
Naval Headquarters,  
R/o 13/239, Geeta Colony,  
Delhi - 31.
16. Shri P.N. Dube  
S/o Shri R.L. Dube,  
aged about 35,  
Senior Draughtsman  
Directorate of Naval Design  
Naval Headquarters,  
R/o 144/5, Sector-I,  
Pushp Vihar, Saket, New Delhi.

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17. Shri Gurcharan Singh  
S/o Late Shri Pala Singh  
aged about 33  
Braughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o A-105, Janta Colony,  
Raghubir Nagar,  
New Delhi - 27.
18. Shri Anil Kumar Gautam,  
S/o Shri Bikram Singh  
aged about 25,  
Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o H.No. A 27/2 Shastri Marg  
Gali No.5, East Maujpur,  
Shahdara, Delhi - 53.
19. Shri S.B. Peter Alosious,  
S/o Late Shri S.M. Bastian  
aged about 33,  
Senior Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o 52/1, Sector-I,  
Saket, New Delhi - 17.
20. Shri T. Arumukhan,  
S/o Shri T. Andy  
aged about 36,  
Senior Draughtsman(Engg.)  
Directorate of Naval Design  
Naval Headquarters  
R/o 512/Sector III,  
Pushp Vihar, Saket,  
New Delhi - 17.
21. Shri Baldev Singh  
S/o Shri Sher Singh  
aged about 36  
Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o H.No.119, Chiragh Delhi  
New Delhi -17.
22. Shri Krishan Gopal Sharma,  
S/o Late Shri P.C. Sharma,  
aged about 32  
Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o 241, Sector-4, R.K. Puram,  
New Delhi - 22.

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23. Shri N. Ramesh Kumar,  
S/o Shri V.S. Narayanan Nair,  
aged about 28  
Senior Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o 838/Sector 37,  
NOIDA, U.P.
- | 24. ~~Shri~~ Raj K~~an~~ni  
S/o Shri Arun Berry  
aged about 35  
Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o 807 A, Pocket II, F  
Paschim Vihar  
New Delhi.
25. Shri C.S. Raghunathan  
S/o Late Shri S. Parameswaran Pillai  
aged about 32  
Senior Draughtsman(L)  
Directorate of Systems(Elect.)  
Naval Headquarters  
R/o 145/Sector V Pushp Vihar  
Saket, New Delhi - 17
26. Shri Inder Singh  
S/o Shri Karan Singh  
aged about 36  
Draughtsman  
Directorate of Systems(Elect.)  
Naval Headquarters  
R/o Vill Mandaure, Pomandaure  
Distt. Sonapat, Haryana.
27. Shri P.C. Panda  
S/o Shri S.N. Panda  
aged about 30  
Senior Draughtsman(Elect)  
Directorate of Systems(Elect)  
Naval Headquarters  
R/o 87-A Munirka Village  
New Delhi.
28. Shri Krishna Pal  
S/o Shri Jagbir Singh  
aged about 41  
Senior Draughtsman  
Directorate of Systems(Elect.)  
Naval Headquarters  
R/o 30 Basant Gaon,  
New Delhi - 57.

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29. Shri K. Chandrabhanu  
S/o Late Shri K. Kumaran  
aged about 30  
Senior Draughtsman  
Directorate of Systems(L)  
Naval Headquarters  
R/o 100-N. Sector IV,  
Pushp Vihar, Saket  
New Delhi - 17.
30. Shri D. Dileep Kumar  
S/o Late Shri N. Divakaran  
aged about 28,  
Senior Draughtsman(L)  
Directorate of Systems(L)  
Naval Headquarters  
R/o 106-K, Sector IV,  
Pushp Vihar, M.B. Road,  
Saket, New Delhi - 17.
31. Smt. Rekha Sharma,  
w/o Shri Anoop Sharma  
aged about 29,  
Draughtsman  
Directorate of Ship Production  
Naval Headquarters  
R/o 6/5128, Harphool Singh  
Building, Subzi Mandi, Clock  
Tower, Delhi.
32. Smt. Savita Lal  
w/o Shri A.K. Lal  
aged about 30  
Draughtsman(Elect)  
Directorate of Ship Production  
Naval Headquarters  
269 Sector V, R.K. Puram  
New Delhi.
33. Shri A.P. Raju  
S/o Shri A.E. Padmanabhan  
aged about 30  
Senior Draughtsman  
Directorate of Ship Production  
Naval Headquarters  
106 K Sector IV  
Pushp Vihar, Saket  
New Delhi - 17.
34. Shri V Satyanarayana Murthy  
S/o Shri Agazteswarudu  
aged 35,  
Senior Draughtsman (Elect)  
Director of Ship Production  
Naval Headquarters  
R/o 100N Sector IV  
Pushp Vihar, Saket  
New Delhi.

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35. Shri Venkateswarlu  
S/o Shri Appa Rao  
aged about 30  
Senior Draughtsman  
Directorate of Ship Production  
Naval Headquarters  
R/o Qr.No.176, Sector III,  
R.K. Puram, New Delhi-22.
36. Shri Kella Sethy  
S/o Late Shri Udaynath Sethy  
aged about 29  
Draughtsman  
Directorate of Ship Production  
Naval Headquarters  
R/o RZ 11A Gali No.3,  
East Sagarpur, New Delhi-46.
37. Shri Sat Pal  
S/o Shri Mani Ram  
aged about 28  
Senior Draughtsman  
Directorate of Systems(Elect),  
Naval Headquarters  
R/o 6/289 New Mahavir Colony  
Sonepet, Haryana
38. Shri K.M. Thomas  
S/o Shri (late) Shri K.M. Thomas  
aged about 29  
Draughtsman(Engg)  
Directorate of Systems(Elect)  
Naval Headquarters  
R/o 37/1250, DDA Flats,  
Madangiri, New Delhi - 62.
39. Shri M.R. Java Theendranath  
S/o Shri S. Mahadevan Pillai  
aged about 29  
Draughtsman(Elect.)  
CNS Secretariat,  
Naval Headquarters,  
R/o 15-L, Vasant Vihar  
New Delhi - 57.
40. Shri Yash Pal Ahuja  
S/o Shri Sahib Ram Ahuja  
aged about 27  
Draughtsman(Elect)  
Directorate of Systems(Elect)  
Naval Headquarters  
R/o BH 366(Poorvi),  
Shalimar Bagh, Delhi - 52.

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41. Smt. Neera Monga  
w/o Shri Raj Monga, 32  
Senior Draughtsman  
Directorate of Systems(Elect)  
Naval Headquarters  
R/o Sector VII, Quarter No.91,  
R.K. Puram, New Delhi - 22.
42. Shri I.C. Sharma  
S/o Late Shri P.C. Sharma  
aged about 35  
Senior Draughtsman  
Directorate of Systems(Elect.)  
Naval Headquarters  
R/o C-487, Kidwai Nagar,  
New Delhi - 23.
43. Shri Chandy Eipe  
S/o Itty Eipe  
aged about 28  
Draughtsman(Construction)  
Directorate of Naval Design  
R/o I-405, Sarojini Nagar,  
New Delhi - 23.
44. Shri V.S.K. Sodhar  
S/o Shri M.V. Sodhar  
aged about 28  
Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o 78B, Pocket A  
Dilshad Garden  
Delhi - 95
45. Shri Naresh Kumar Bhatia  
S/o Shri O.P. Bhatia  
aged about 39  
Senior Draughtsman  
Directorate of Systems(Elect)  
Naval Headquarters  
R/o 54 East End Enclave  
Delhi - 92.
46. Shri Sabu Bastian  
S/o Shri Joseph Sebastian  
aged about 27  
Draughtsman  
Directorate of Naval Design  
Naval Headquarters  
R/o 23/693, DDA Flats  
Madangir, New Delhi.

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47. R.C. Chaudhary  
S/o Shri Nikka Ram,  
aged 30 years,  
Draught Man (Elect),  
D.O.S.(L) Naval Headquarters,  
r/o B-2864, Netaji Nagar,  
New Delhi-110023.
48. Guler Chand  
S/o late Shri Bidhi Chand,  
aged 32 years,  
Senior Draughtsman (Engg),  
Directorate of Naval Design,  
Naval Headquarters,  
r/o 57-L, S-IV Bangla Sahib Road,  
~~DIZIEX~~ Area,  
New Delhi-110001.
49. Kundan Singh  
s/o late Shri Tinga Singh  
aged 27 years,  
Draughtsman,  
DOS(E)/NHQ/Senabhavan,  
New Delhi-11  
r/o Village Saldhar,  
Post Subi,  
District Chamoli, (UP)
50. Kishor D. Bansode  
s/o Sh. D.P. Bansode,  
aged 31 years,  
Draughtsman,  
DOS(E)/NGQ/SENA BHAVAN,  
New Delhi-11,  
r/o R.K. Puram, Sector-III, 176,  
New Delhi-110022.
51. Chand Sharma  
s/o Shri Om Dutt Sharma  
aged 26 years,  
Draughtsman  
DOS(E)/NHQ, Sena Bhavan,  
New Delhi-11,  
r/o H. No.1046/31, Kamla Nagar,  
Rohtak-124001.
52. Rajan Sagar  
s/o Shri Chokhey Ram,  
aged 26 years,  
DOS(E)/NHQ/Sena Bhavan,  
New Delhi-11,  
r/o Vill. & Post-Bhikan Pur,  
(UP) 201206.
53. G. Visweshwara Rao  
s/o late Shri G. Suryanarayana,  
aged 33 years,  
Senior Draughtsman,  
Directorate of Naval Design,  
r/o H-28, Munirka,  
New Delhi.

54. James Guru Swamy  
s/o Shri A Guru Swamy,  
aged 28 years,  
Draughtsman  
DOS(E)/NHQ, Sena Bhavan,  
r/o F-257, Karampura,  
New Delhi-110015.
55. Sat Pal Jassal  
s/o Shri G.S. Jassal,  
aged 28 years,  
DOS(E)/NHQ, Sena Bhavan,  
New Delhi-11,  
r/o 1088, Sector-'A', PKT-'B',  
DDA (SFS) Flats,  
Vasant Kunj,  
New Delhi-110030.
56. Ravinder Kumar,  
s/o Shri Tek Chand,  
aged 22 years,  
Draughtsman,  
Directorate of Naval Design,  
H. No.468, Village and Post,  
Office Khara Khurd,  
Delhi-110082.
57. Virender Kumar Kapoor  
s/o Shri M.D. Kapoor,  
aged 34 years,  
Draughtsman  
Directorate of Naval Design,  
r/o H-129 Nanakpura,  
New Delhi-110021.
58. Swarup Raj,  
s/o Shri Lekh Raj,  
Senior Draughtsman  
Directorate of Naval Design,  
r/o A-328, Pocket-I,  
Maschim Puri,  
DDA Flats, New Delhi-110063.
59. Smt. Vanita Bhaskar,  
w/o Shri D.N. Bhaskar  
aged 33 years,  
Draughtsman  
Directorate of Naval Design,  
r/o 993, Sec-37, Noida.



60. Ashwani Kumar  
s/o Shri Anant Ram  
aged  
Draughtsman(Engg.)  
DND/SDG, NHQ, R.K. Puram,  
New Delhi,  
r/o A -249, Jhilmill Colony,  
Shahdara,  
New Delhi-110095.
61. Nirmal Gujral  
~~s/o~~ W/o Shri T.R. Gujral  
aged 35 years,  
Senior Draughtsman,  
DND(SOG), R.K. Puram,  
New Delhi-66,  
r/o F-15, Moti ~~Bagh~~ Nagar,  
New Delhi-110055.
62. Sushil Kumar  
S/o Shri Nand Lal,  
aged 29 years,  
Draughtsman ( C ),  
DNA/ MOD Cell,  
R.K. Puram, N. Delhi,  
r/o H. No.122, Nawada,  
New Delhi-110059.
63. Kishori Joshi  
s/o Shri Satendra Prasad Joshi,  
D/man (C),  
DNA(MOD Cell), RK. Puram,  
New Delhi,  
r/o A-464, Minto Road,  
New Delhi-2.
64. Parveen Kumar  
s/o Shri B.D. Khurana,  
aged 28½ years,  
D/man (Con),  
DNA(MOD Cell), R.K. Puram,  
New Delhi-66,  
r/o Lajpat N agar-I,  
C-19, New Delhi-110024.
65. V. Sambasiya Rao  
S/o Shri V. Rattaiah (late)  
aged 46 years,  
Sr. D/man (E),  
DND(SDG), R.K. Puram,  
New Delhi,  
r/o C/o Q. No.549(R&T),  
Sector-6, R.K. Puram,  
New Delhi-110022.

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66. Mrs. Jatinder Kaur  
D/o S.S. Bansal, aged 30 years,  
D'man(L),  
DND(SDG), NHQ, R.K. Puram,  
New Delhi,  
r/o F-224, Lajpat Nagar, Ist,  
New Delhi-110024.
67. Smt. Anjana  
W/o Shri Amarjeet Singh,  
aged 35 years,  
D'M an(L),  
DND/SDG, NHQ, RK Puram,  
New Delhi,  
r/o Sector-5/809,  
R.K. Puram,  
New Delhi.
68. Hari Singh Tomar  
s/o Shri Manphool Singh Tomar,  
aged 37 years,  
Sr. D/Man (L),  
DND/SDG/NHQ, RK Puram,  
New Delhi,  
r/o H-81A, Laxmi Nagar, Extn.,  
Delhi-110092.
69. Mrs. Sunita Chanana W/o  
Shri Kanwal Chanana  
aged 28 years,  
D'Man (L),  
DND/SDG/NHQ, RK Puram,  
New Delhi,  
r/o IX/5985, Subhash Mohalla,  
Raghubarpura,  
Gandhi Nagar,  
Delhi-110031.
70. Rohtas Kumar  
s/o Shri Dharam Singh,  
aged 26 years,  
D/Man (C),  
DND/SDG, RK Puram, New Delhi,  
r/o 6/53, Kalyan Nagar,  
Sonapat-131001 (Haryana).
71. Vijender Singh  
S/o Shri Tej Singh,  
aged 26 years,  
DND/SDG, NHQ, RK Puram, New Delhi,  
r/o 67, Vijay Nagar,  
Bhiwani (Haryana)
72. K. Unnikrishnan  
s/o Shri P. Narayana Panicker,  
aged 33 years,  
Sr. Draughtsman (E),  
DND/SDG, RK Puram, N. Delhi,  
r/o 90/8, Sector-I,  
Pushp Vihar, Saket, New Delhi.

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73. N. Balakrishna Pillai  
s/o Shri (late) Narayana Panicker,  
aged 31 years,  
Sr. D'man (E),  
DND/SDG/RK Puram, New Delhi,  
r/o A 2 - 239 ; Janakpuri,  
New Delhi.
74. Nand Kishore,  
s/o Shri Jugal Dass,  
aged 31 years,  
Sr. D'man (Engg.),  
DND/SDG, RK Puram, N. Delhi,  
H. No. 60A/5, Parteek Market,  
Munirka Village,  
New Delhi.
75. Des Raj  
s/o Shri Mohinder Singh,  
aged 27 years,  
Draughtsman (Engg.),  
DND(SDG), RK Puram, N. Delhi,  
r/o WZ/C-138, Vinod Puri,  
(~~Vijay~~ Vijay Enclave),  
Palam, New Delhi.
76. A.K. Visweswara Rao  
s/o late Shri A. Soma Raju,  
Sr. Draughtsman (L),  
DND/SDG/NHQ, RK Puram, N. Delhi,  
r/o Qtr. No. 549, Sector-6,  
RK Puram, New Delhi.
77. L. Surya Bhanu  
s/o Shri Chakrapani  
aged 32 years,  
Draughtsman (L),  
DND (SDG)/NHQ, RK Puram, N. Delhi,  
r/o Qtr. No. 62,  
Sector-5, RK Puram,  
New Delhi.
78. P. Bhaskara Rao  
s/o Shri P. Nagendhra Rao,  
aged 33 years,  
Sr. D'man (E),  
DND (SDG), RK Puram, N. Delhi,  
r/o 817, Sector-4,  
RK Puram, New Delhi.
79. Mani Mohan Biswas  
S/o Shri Haridas Biswas,  
aged 35 years,  
D'man (C),  
DND/SDG-NHQ, RK Puram, N. Delhi,  
r/o Qtr. No. 1816, Sector-3,  
Pushp Vihar,  
New Delhi-17.

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80. Sapan Kumar Biswakarma  
S/O Sh.B.B.Biswakarma,  
aged 33 years, D's Man(L),  
DND/SDG/NHQ, RK.Puram,  
New Delhi r/o C-163/A,  
Gali No.14/3, Sadh Nagar, Palam Colony,  
New Delhi-45.

81. G.V.Prasada Rao,  
S/O Sh.G.Suryanarayana,  
aged 33 years,  
Sr.Draftsman (E),  
DND/SDG, R.K.Puram, N/Delhi,  
R/O Qtr.No.18, Sector 1 R.K.Puram,  
New Delhi.

82. Rajinder Kaur,  
W/o Shri Manjeet Singh,  
aged 35 years,  
D'man (L),  
DND/SDG, R.K.Puram,  
New Delhi, R/O 14/11,  
Tilak Nagar, New Delhi-18

83 Harish Chandra,  
S/O Late Sh.P.Lal Ji,  
aged 47 years,  
Sr.D'Man (L),  
DNA(MOD Cell)/NHQ,  
R.K.Puram,  
New Delhi,  
R/O A-4/79, Nand Nagri,  
Delhi, 110093

.. Applicants

(By Advocate Shri E.X.Joseph, Learned  
Senior Counsel)

VERSUS

1. The Union of India through the  
Secretary to the Government,  
Ministry of Defence,  
South Block, Central Secretariat,  
New Delhi-110011.
2. The Chief of Naval Staff,  
Naval Headquarters,  
South Block, Central Secretariat,  
New Delhi-110011
3. The Chairman,  
Implementation Cell,  
Ministry of Defence,  
H-Block, Central Secretariat,  
New Delhi-110011 ...Respondents.

By Advocate Shri P.H. Ramchandani, Sr. Counsel.

O R D E R

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

The applicants have filed this application under Section 19 of the Administrative Tribunals Act, 1985 claiming that a declaration should be given that Senior Draftsmen and Draftsmen working under Respondent 2 are entitled to the scale of pay granted as per the Government of India O.M. dated 13.3.1984 to Draftsmen Grade-I and Grade-II in CPWD, namely, Rs.550-750 (revised pay scale Rs.1640-2900) and Rs.425-700 (revised pay scale Rs.1400-2300), respectively. They have claimed that a further declaration should be given that they will be entitled to the revised pay scales notionally w.e.f. 1.1.1973 and actually with effect from 1.11.1983 or from the date of appointment, whichever is later, with arrears and all other consequential benefits.

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2. The applicants have submitted that there are number of judgements of the Tribunal granting the pay scales as fixed in O.M. dated 13.3.1984 in the case of Draftsmen Grade-I and Grade-II of the CPWD, MES, P&T and other departments/organisations but the same scales have been denied to the applicants who are Draftsmen under Respondents 2 and 3 i.e. the Chief of Naval Staff, Naval Headquarters and the Chairman, Implementation Cell, Ministry of Defence. The applicants have submitted that all of them are either Senior Draftsmen or Draftsmen and their qualifications, nature of duties and responsibilities are the same or similar as in the case of the Draftsmen Grade-I and Grade-II respectively in the CPWD. They have stated that by the respondents denying them the due pay scales, they have been discriminated. According to them, they attend to the Engineering needs of the Navy and are governed by the Navy (Group 'C' Non-industrial Course Drawing Staff (Recruitment) Rules, 1985. They have referred to the award of <sup>the</sup> Board of Arbitration dated 20.6.1980 by which the scales of pay of Draftsmen Grades I, II, III in CPWD were revised to Rs.550-750 (instead of Rs.425-700) and Rs.425-700 (instead of Rs.330-560) and Rs.330-560 (instead of Rs.260-430), respectively. The revised pay scales in their cases were enforced notionally w.e.f. 13.5.1982 and actually w.e.f. 1.11.1983. Shri E.X. Joseph, learned Sr. Counsel for the applicants, relies on this award by the Board of Arbitration given in the case of CPWD Draftsmen and he submits that the applicants are entitled to the similar benefits of revised pay scales. They have submitted that the Calcutta Bench of the Tribunal in **Jatindra Kumar Sapui & Ors. Vs.**



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Engineer-in-Chief, Army Headquarters and Ors. (O.A. 8/1987) allowed the application and directed that the CPWD scales of pay for Draftsmen Grades-I and II should be made applicable to the applicants who are Grade-I and Grade-II in the MES. They have also referred to similar judgements of the Tribunal in O.A. 1001/88 (Chandigarh Bench), O.A. 55/90 (Ernakulam Bench) and O.A. 30/90 (Hyderabad Bench) in which Draftsmen Grades-I and II of the MES have been granted the higher pay scales similar to those given to the Draftsmen of CPWD. Reference has also been made to other judgements of the Tribunal giving benefits to the Draftsmen in other departments which have been dealt with in paragraphs 4.14 to 4.18 of the application. They have also submitted that they have made a representation dated 6.6.1991 to the respondents as regards the revision of their pay scales in accordance with the Award of 1980 which have been rejected and hence this application. Shri E.X. Joseph, learned Senior Counsel, has urged that the applicants should be given the benefit of revision of pay scales on the lines of the CPWD Award for Draftsmen Grades-I and II. He also relies on the judgement in **Union of India Vs. Debashish Kar & Ors.** (Civil Appeal No. 1433/95), decided on 20.7.1995 (copy placed on record).

3. The respondents have filed their reply and we have also heard Shri P.H. Ramchandani, learned counsel. Shri Ramchandani, relies on the judgement of the Ernakulam Bench of the Tribunal in **T.K. Joy & Ors. Vs. Union of India & Ors.** (O.A. 400/91), decided on 23.10.1992. In this case, 64 Senior Draftsmen/Head Draftsmen and Draftsmen working in

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the Drawing Office at the Southern Naval Command, Naval Base, Cochin, had prayed that the respondents may be directed to give them the same revised pay scales as have been allowed to the Draftsmen of the CPWD. The facts in that case and the present case are, therefore, identical. In that case, the Tribunal came to the conclusion that the Draftsmen in the scale of Rs.330-560 cannot be clubbed with Grade-II Draftsmen of Rs.425-700 after looking into the educational qualifications required for candidates in these posts. Shri Ramchandani, learned counsel, therefore, submits that since the Ernakulam Bench of the Tribunal had dealt with the identical question and had come to the conclusion that the CPWD Draftsmen and the Draftsmen in the Navy do not have the same qualifications this issue cannot be reopened. In that case the Tribunal had also held that it is clear that Draftsmen of the Navy are more equal to Draftsmen Grade-III than Draftsmen Grade-II of the CPWD and learned counsel has 18 submitted that the applicants are not entitled to any revision of pay scales based on the CPWD Award dated 20.6.1980.

4. Shri E.X. Joseph, learned Senior counsel, has on the other hand submitted that the judgement of the Ernakulam Bench has only analysed the recruitment rules of the Navy with respect to direct recruitment in CPWD and MES. Reference has also been made to another judgement of the Ernakulam Bench of the Tribunal in **T.C. Kartnike Vs. Union of India & Ors.** (O.A. 1081/93) decided on 17.1.1994. In this case, the applicant was a Tracer, also working in the Navy under the 3rd Respondent. He had filed the O.A. being

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aggrieved by the respondents denying him the revised scale of pay of Rs.330-560 (pre-revised) notionally w.e.f. 13.5.1982 and actually w.e.f. 1.11.1983. In this case, since the respondents had not filed any reply to the O.A., the Tribunal disposed of the application with a direction to the 1st respondent to consider the claim of the applicant for getting higher scale in the light of the judgement of the Calcutta Bench of the Tribunal in O.A.458/86 decided on 3.7.1987 and Ministry of Finance's Office Order dated 13.3.1984.

5. We have seen the comparative statement annexed by the applicants giving details of the recruitment rules of the Draftsmen in the CPWD, DGS&D, Navy and MES. From the papers placed on record, we cannot categorically come to the conclusion that the method of recruitment and educational qualifications are exactly the same for Draftsmen in CPWD and the Navy. This, together with the findings of the coordinate Bench of this Tribunal in T.K. Joy's case (supra) where it has also been held that the educational qualifications prescribed for Draftsmen in the CPWD and the Draftsmen of the Navy are not the same are very relevant. A submission has been made by the applicants that the Tribunal had, however, not made a comparison in the method of recruitment but only in educational qualifications. That too, in our opinion, is not sufficient to come to a contrary conclusion so as to allow this application. The Supreme Court in a catena of judgements (see for example State of West Bengal Vs. Hari Narain Bhowal (1994(27) ATC 121), State of U.P Vs.J.P. Chaurasia (1989(1) SCC 121) and Union

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of India & Anr. Vs. P.V.Hariharan & Anr.(Civil Appeal No. 7127 of 1993)) have held that it is for the administration to decide the question whether two posts which very often may appear to be the same or similar should carry equal pay and it is not for the Tribunal to interfere or issue directions in these matters unless there is a clear case of hostile discrimination. In Hariharan's case (supra), the Supreme Court has stated that the Tribunals are interfering with the pay scales without proper reasons and without being conscious of the fact that the pay fixation is not their function. They have also stated that it is for the Pay Commission to go into these problems at great length as they have a full picture before them and they have, therefore, stated that the Tribunals should exercise due restraint in the matter. These principles have been further reiterated by the Apex Court in three recent judgements, decided on 15.10.1997 in Union of India & Anr. Vs. S.K. Sareen (JT 1997(8) SC 410), State of U.P. & Ors.Vs. Ministerial Karamchari Sangh (JT 1997(8) SC 415) and Associate Banks Officers Association Vs. State Bank of India & Ors.(JT 1997 (8) SC 422).

6. Therefore, taking into account all the facts and circumstances of the case, we do not think that the principle of equal pay for equal work is applicable to the present case as all the parameters for allowing the application are not fulfilled and, therefore, there is no justification for interference in this matter. We are unable to hold that there has been any hostile

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discrimination against the applicants in the matter of pay scales. This application is accordingly dismissed. No order as to costs.

*Lakshmi Swaminathan*

(Smt. Lakshmi Swaminathan)  
Member (J)

*S.R. Adige*  
(S.R. Adige)  
Member (A)

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