

Central Administrative Tribunal
Principal Bench, New Delhi

OA No.1029/91

(9)

New Delhi this the 14th day of September 1995.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Virendra Singh
Draughtsman
Communication Division
Dte of Preventive Operation
Customs & Central Excise
Shanti Niketan
New Delhi - 110 021.
and R/o Sector 9/545, R.K.Puram
New Delhi - 110 022.

...Applicant.

(Through Shri R.L.Sethi, advocate)

Versus

1. The Secretary
Ministry of Finance
Department of Revenue
North Block
New Delhi - 110 002.

2. The Director
Directorate of Preventive Operations
Customs & Revenue
4th Floor, Lok Nayak Bhawan
Khan Market, New Delhi - 110 003.

...Respondents.

(Through Smt Raj Kumari Chopra, advocate)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicant who is working as Draughtsman in the Communication Division, Directorate of Preventive Operation, Customs & Central Excise, has in this application prayed that the respondents may be directed to grant him the benefits of the Award as made admissible by Government order dated 13.3.1984 by taking a decision on the applicant's representation dated 3.11.1989 and to grant him pay and allowances on that basis. By an Award of Board of Arbitration (JCM), Ministry of Labour, the pay scales of Draughtsmen Grade I, II & III of the CPWD were directed to be revised. This benefit was extended to the draughtsmen of other departments of the Government also by Government order dated 13.3.1984. Though the applicant represented to the respondents on 3.11.1989 that the same benefit may be extended to him also, the respondents did not accede to his demand nor did they favour him with a

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reply. It is under these circumstances that the applicant has filed this application.

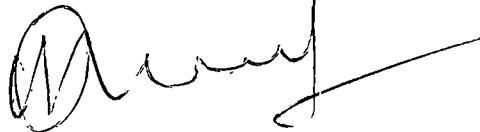
2. The respondents contest the application on various grounds. They have, inter-alia, contended that as recruitment qualification of the post of the applicant was not either same or identical to that of Draughtsmen in CPWD, the applicant is not entitled to be enxtended the benefit under the Award, according to the GOI, mentioned in the application.

3. As the application came up for further arguments today, counsel for the applicant stated that the respondents may be directed to consider the claim put forth by the applicant in his representation dated 3.11.1989 (Annexure A.I), in the light of the Govt.of India, Ministry of Finance, Department of Expenditure Office Memorandum dated 17th October 1994 (Annexure A-7 in the MA) within a reasonable time. There should not be any objection in giving such a direction.

4. In the result, in view of the request made by the learned counsel for the applicant, we dispose of this application directing the respondents to consider the representation submitted by the applicant on 3.11.1989 (Annexure A-1) in the light of the directions contained in the Govt. of India, Ministry of Finance, Department of Expenditure Office Memorandum No.13(1)-IC/91 dated 19th October 1994 within a period of 2 months from the date of receipt of communication of this order, and to extend to the applicant the benefit if he is found eligible to the same in accordance with the above OM.

There is no order as to costs.


(R.K.Ahooja)
Member (A)


(A.V.Haridasan)
Vice Chairman (J)

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