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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.350/2004

This the 11th day of August, 2004.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Mohinder Singh,
Draftsman Gde III,
TE &TD, Central Electricity Authority,
R.K.Puram, New Delhi.
2. Ram Kishan,
Draftsman Gde III, EPIS,
Central Electricity Authority,
R.K.Puram, New Delhi.
3. J.S.Dahiya,
Draftsman Gde III, Technical Services,
Central Electricity Authority,
R.K.Puram, New Delhi.
4. K.C.Pokhriyal,
Draftsman Gde III, NREB,
Central Electricity Authority,
R.K.Puram, New Delhi.
5. Ved Pal,
Draftsman Gde III, Technical Services,
Central Electricity Authority,
R.K.Puram, New Delhi.
6. K.K.Sharma, AD-II,
Technical Services,
Central Electricity Authority,
R.K.Puram, New Delhi.
7. Ram Chander,
Draftsman GDE III, HP&I,
Central Electricity Authority,
R.K.Puram, New Delhi.

... Applicants

(By Shri K.B.S.Rajan, Advocate)

-versus-



1. Union of India through
Secretary, Ministry of Energy,
Department of Power,
Govt. of India, New Delhi.
2. Chairman,
Central Electricity Authority,
Sena Bhawan, R.K.Puram,
New Delhi.
3. Secretary,
Government of India,
Ministry of Finance,
South Block, New Delhi.

... Respondents

(By Shri Bhaskar Bhardwaj, Advocate)

ORDER (ORAL)

Hon'ble Shri V.K.Majotra, Vice-Chairman (A) :

Applicants have challenged respondents' order dated 31.10.2003 (Annexure-1) whereby their claim for revision of pay scale at Rs.1200-2040 w.e.f. 1.1.1986 has been rejected. They have also challenged respondents' notification dated 13.4.1989 (Annexure-1A) on the ground that it discriminates Tracers and Blue Printers/Ferro Printers of the Central Electricity Authority (CEA) vis-à-vis Tracers (re-designated as Draftsman Grade-III) of the Central Water Commission (CWC). Applicants who are Blue Printers/Ferro Printers have sought direction that they should be accorded the scale of Rs.1200-2040 w.e.f. 1.1.1986 and corresponding revised pay scale as per the recommendations of the Fifth Central Pay Commission as available to the Tracers (Draftsman Grade-III) of the CWC.

2. The learned counsel of applicant stated that in the erstwhile Central Water and Power Commission (CWPC) which had Ferro Printers/Blue Printers and Tracers (both Ferro Printers/Blue Printers and Tracers being treated alike with identical pay scales) in the hierarchy of

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Draftsman, ^{were} had later on bifurcated into two separate entities called CWC and CEA. Some of the applicants were appointed as Blue Printers/Ferro Printers in the combined CWPC (Annexure A-3 dated 28.2.1973). The bifurcation of CWPC into CEA and CWC took place in 1974. While the applicants were posted in CEA, some Ferro Printers/Blue Printers and Tracers were posted in CWC. After bifurcation, subsequent appointments were made in the respective wings under the same administrative authority. The next higher post in respect of Tracers/Blue Printers/Ferro Printers is Junior Draftsman in the scale of Rs.1400-2300. While applicants No.1 and 2 were promoted to the post of Junior Draftsman in 1987, they were reverted to the post of Tracer/Blue Printer vide Annexure A-8 dated 24.11.1988. On 16.6.1989 vide Annexure A-9, designations in the drawing cadre were revised as Draftsman Grade-I (Rs.1600-2660), Draftsman Grade-II (Rs.1400-2300) and Draftsman Grade-III (Rs.1200-2040). The applicants preferred representations (Annexure A-10 colly. dated November, 1989 to March, 1991) to the effect that while pay scale of the post of Tracer was stepped up, that of Blue Printers/Ferro Printers should also be correspondingly stepped up as the educational qualifications for both Blue Printers/Ferro Printers as well as Tracers are the same and both form feeder cadre to the post of Junior Draftsman.

3. The learned counsel of the applicants relied upon Tribunal's order dated 18.5.1994 in OA No.2114/1989 – **Dinesh Chandra Dabral & Ors. v. Union of India** (Annexure A-11). Those applicants were Ferro Printers in CWC and were aggrieved by the discriminatory treatment meted out to them as compared to Tracers in the department while amending the

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recruitment rules. It was found that applicants had been discriminated against and the following directions were made to the respondents :

- i) We declare that the schedule as substituted by the Central Water Commission Non-Ministerial (Group C') Posts (Amendment) Recruitment Rules, 1986 (Annexure-2) in so far as it relates to the posts of Draftsman Grade-III does not provide that 5% of the posts are to be filled by promotion from Ferro Printers in the C.W.C.
- ii) We further declare that the order dated 26.9.1986 (Annexure-2), in so far as it re-designates the posts of Tracer only as Draftsman Grade-III is discriminatory and violative of Article 14 of the Constitution and that its validity can be maintained only by reading it down to indicate the posts of Ferro Printers also, along with Tracers and accordingly we declare that Ferro Printers are to be treated as Draftsman Grade-III from 30.8.86, along with Tracers.
- iii) In the light of the above declaration the applicants are entitled to get the upgraded pay scale made applicable to the Tracers from the same date.
- iv) The applicants shall be considered for promotion to the posts of Draftsman Grade-II in the light of this order.
- v) The respondents shall consider applying these orders to all Ferro Printers instead of restricting it to the applicants before us."

4. The learned counsel contended that the case of the applicants is identical to that of **Dinesh Chandra Dabral** (supra) and as both Blue Printers/Ferro Printers on the one hand and Tracers on the other formed feeder grades for the post of Junior Draftsman and have comparable qualifications, their pay scales have to be identical. Prescription of the pay scale of Rs.1200-2040 to the exclusion of Ferro Printers/Blue Printers amounts to hostile discrimination.

5. On the other hand, the learned counsel of the respondents stated that the directions in the case of **Dinesh Chandra Dabral** (supra) are not applicable to the facts of the present case as the applicants in that OA were working in CWC and not CEA. He further stated that on the instructions of

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the Ministry of Finance the post of Tracer only had been re-designated as Draftsman Grade-III and their pay scale was upgraded to Rs.1200-2040.

6. We have considered the contentions made on behalf of both sides.

7. Respondents have not denied that both Blue Printers/Ferro Printers on the one hand and Tracers on the other, formed feeder grades to the post of Junior Draftsman. Their qualifications and pay scales were also identical. It has not been explained satisfactorily by the respondents why while Tracers as a group were re-designated as Draftsman Grade-III, Ferro Printers/Blue Printers were left-out or at best made eligible to 5% of the posts of Draftsman Grade-III. Erstwhile CWPC which had Ferro Printers/Blue Printers and Tracers who were treated alike with identical pay scales had been bifurcated into two separate commissions, CWC and CEA. Ferro Printers/Blue Printers and tracers were allocated to CEA and CWC without obtaining their options. Their qualifications and promotion to the next higher rank of Junior Draftsman subject to qualifying a departmental test were identical. The findings and the directions of the case of **Dinesh Chandra Dabral** (supra) are squarely applicable to the applicants' case who are working as Blue Printers/Ferro Printers in CEA.

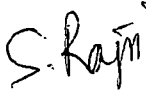
8. In the circumstances, we dispose of this OA with the following directions :


- (a) Applicants are declared to be similarly situate as other Ferro Printers/Blue Printers of CWC having been branched out from the erstwhile CWPC; the benefits of treatment at par with Tracers (Draftsman Grade-III) as available to Ferro Printers/Blue Printers of CWC are equally applicable to the applicants.

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- (b) As a consequence of (a) above, respondents are directed to consider treatment of both Ferro Printers/Blue Printers of the CEA without any disparity with Tracers (re-designated as Draftsman Grade-III) and to extend the provisions of Tracers to them by suitable amendment to the notification dated 13.4.1989 including re-designations and pay scale.
- (c) Consequent to (b) above, respondents are directed to consider applying the scale of Rs.1200-2040 w.e.f. 1.1.1986 and corresponding revised pay scale as per the recommendations of the Fifth Central Pay Commission to the applicants. The respondents shall also consider applying these orders to all Ferro Printers/Blue Printers instead of restricting them to the applicants before us.

9. The OA is allowed in the above terms. No costs.


(Shanker Raju)
Member (J)


11.8.04
(V. K. Majotra)
Vice-Chairman (A)

/as/