

Reserved

Central Administrative Tribunal, Allahabad.

Registration O.A.No.335 of 1986  
Satya Prakash Ram ... Applicant

CONNECTED WITH

Registration O.A.No.336 of 1986  
Surendra Pal Saxena ... Applicant

Vs.

1. Union of India
2. Registrar General, India
3. Director of Census Operations,  
U.P. .... Respondents.

Hon. D.S.Misra, AM  
Hon. G.S.Sharma, JM

( By Hon. G.S.Sharma, JM)

These are two petitions under Section 19 of the Administrative Tribunals Act XIII of 1985 for the implementation of the provisions of Office Memorandum No. F-5(59)-E-III/82 dated 13.3.1984 of Ministry of Finance, Government of India by the Census Department to which the applicants belong.

2. The applicant Satya Prakash Ram is posted as Draughtsman in the pay scale of Rs.330-560 in the office of the respondent no.3 from 3.1.1972 while the other applicant Surendra Pal Saxena is working as Senior Draughtsman in the pay scale of Rs.425-700 in the office of the respondent no.3 since 21.9.1971. It is alleged that the post of Draughtsman in the scale of Rs.330-560 is designated as Draughtsman grade II and the post of Senior



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Draughtsman is designated as Draughtsman grade I in several other offices and Departments of the Government of India including the Central Public Works Department (in short CPWD). The office memorandum dated 13.3.1984 aforesaid issued by the Ministry of Finance (Department of Expenditure) provides that the pay scales of Draughtsman grades I, II and III may be revised upwards in all the offices/departments of the Government of India provided their recruitment qualifications were similar to those of CPWD on the analogy of the award given by the Board of Arbitration in the case of CPWD. According to the applicants, the recruitment qualifications for the post of Draughtsman in the office of the respondent no.3 present a close similarity to those of the CPWD and in June 1984 the applicants and other Draughtsmen of their office submitted applications to the respondent no. 3 for moving the higher authorities for granting the benefits of the upgraded scales of pay to the Draughtsmen working in his office. The said applications were duly forwarded to the respondent no.2 for necessary action but when the respondent no. 2 did not grant the upgraded pay scales to the applicants, they moved the present petitions claiming revised pay scales w.e.f. 1.11.1983.

3. The petitions have been contested on behalf of the respondents and in the replies filed on their



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behalf by the Assistant Director, Census Operations, U.P., it was stated that it is not correct to say that the post of Draughtsman in the scale of Rs.330-560 has been designated as that of Draughtsman grade II and the post of Senior Draughtsman has been designated as Draughtsman grade I in other departments. Recruitment qualifications for the post of Draftsman in the office of the respondent no.3 are not similar to the qualifications of Draughtsman in the CPWD. The respondents are not aware of the fact that any other department has upgraded its posts of Draughtsman in the light of the aforesaid office memorandum. In any case, the representations made by the applicants and other Draftsmen in the light of the office memorandum are being actively considered by the respondent no.2 and the applicants have moved these petitions hurriedly and they are prematured.

4. In the rejoinder, filed by the applicants, it was reiterated that the qualifications prescribed for the Draughtsmen in the Department of the respondents are identical with those prescribed with such ~~such~~ posts by the Department of Geological Survey of India, which has already upgraded its posts of Draughtsman in the light of the aforesaid office memorandum and the discrimination made against the applicants violates the provisions of Articles 14 and 16 of the Constitution. There has been undue delay on the part of respondent no.2 in disposing



APR 14 (5)

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of the representations of the applicants and the petitions filed by the applicants are not premature. It has also been stated that the applicants are entitled to the benefits of the aforesaid office memorandum under the law.

5. The applicants have based their claims on the arbitration award dated 20.6.1980, annexure 2 and the office memorandum dated 13.3.1984, annexure 1. According to the said award, the Draughtsmen in the CPWD were granted the following grades :-

Draughtsman Grade III	Rs.330-560
" " II	Rs.425-700
" " I	Rs.550-750

Annexure 1 speaks that on the requests received from other departments, the President has been pleased to decide that the scales of pay of Draughtsmen Grade III, II and I in offices/departments of Government of India may be revised as below provided their recruitment qualifications are similar to those prescribed in the case of Draughtsmen in the CPWD. Those who do not fulfil the above recruitment qualifications will continue in the pre-revised scales. The actual benefits of the revised scale is allowed w.e.f.1.11.1983 :-

Draughtsman Grade I	550-750
" " II	425-700
" " III	330-560



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6. The dispute between the parties is over the comparative qualifications prescribed for Draughtsmen in the Census Department and the CPWD. According to the annexure 4, there are 3 grades of Draughtsmen in the CPWD having the following qualifications:-

1. Draughtsman Grade I- These posts are filled up by promotion from amongst the eligible officials from next lower rank as detailed in Section 7 of the Chapter.

2. Draughtsman Grade II - These posts are filled partly by promotion from amongst Draughtsmen Grade III and partly by direct recruitment.

Minimum qualification for the post of Draughtsman Grade II is Diploma in Draughtsmanship (Civil/Mechanical) from a recognised Institute of not less than 2 years (including 6 months practical training) plus practical experience of atleast one year in a reputed organization after getting the diploma.

3. Draughtsman Grade III- Minimum qualification is diploma in Draughtsmanship from a recognised institution of not less than two years duration including practical training of 6 months.

7. On the other hand, according to the annexure 3, there are only two types of Draftsmen- Senior Draftsmen and Draftsman- in the Census Department and their essential qualifications are as follows:-



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1. Senior Draftsman- (a) Matriculation or equivalent  
(b) Diploma in Draftsmanship or Art  
(c) Three years experience in map drawing.

2. Draftsman- (a) Matriculation or equivalent.  
(b) Diploma in Commercial or Fine Art or Draftsmanship from a recognised Institute with some knowledge in drawing maps, charts and book covers

Desirable:

At least one year's experience as Draftsman-cum-Artist.

8. It has now to be seen whether the qualification prescribed for Draughtsman in the two Departments- Census and CPWD- are the same or bear close similarity. The award of arbitration though used the word 'Draftsman', annexure 4 which is an extract of CPWD Manual Vol.I has used the word 'Draughtsman'. The Government office memorandum dated 13.3.1984 has also used the word 'Draughtsman' while annexure 3<sup>7</sup> the gazette notification relating to the applicants has used the word 'Draftsman'.  
Draftsman means one who drafts documents and Draughtsman means one who makes drawings, plans or sketches, according to the OXFORD DICTIONARY. The respondents have stated in paragraph 12 of the reply in the case of Satya Prakash Ram and in paragraph 11 of the reply in the other case that in the Census Department, the Draftsman works on preparing State, District, Tahasil maps and showing population figures etc., and there



is no job of civil or machanical nature to be performed in the office. Appropriately, their job is of the Artist, though the designation is Draftsman. The Draftsman of this Department can be entitled to the pay scales of the CPWD only if the nature of their job would have been of the nature of civil/mechenical as in the case of the CPWD.

9. On a comparative study of the qualification<sup>s</sup> prescribed for two posts in question, Annexures 3 and 4 show that the minimum qualification for the post of Draughtsman grade III is a diploma from a recognised Institute of not less than 2 years in Draughtsmanship. No Draughtsmanship diploma is required for Draftsman of the Census Department and the diploma required is a diploma in Commerce or Fine Art or Draftsmanship with some knowledge in drawing, maps, chart and book-covers. The minimum qualification of 2 years' diploma in Draughtsmanship has also not been provided in the case of Census Department which is necessary in the case of CPWD. Thus in our opinion, the qualifications prescribed for Draughtsman Grade III in the CPWD are not the same which have been prescribed for a Draftsman in the Census Department.

10. For Draughtsman Grade II in the CPWD, a candidate should not only possess a diploma in Draughtsmanship (Civil/Mechanical) from a recognised institute of not less than 2 years but he also should, have practical experience of atleast one year while



a Senior Draftsman in the Census Department can be appointed only on his possessing a diploma in Draftsmanship or Art with an experience of 3 years in map drawing only. The qualifications of these two posts- Senior Draftsman in the Census Department and Draughtsman Grade II in the CPWD are thus also not the same. Further, in the CPWD a person can be appointed as Draughtsman grade I only by promotion from amongst the eligible officials from the next lower rank. Thus, even if for the sake of argument, the qualifications may be taken to be similar, no senior Draftsman in the Census Department can claim the pay of the next higher grade allowed in the CPWD without necessary amendment in the rules regarding promotion or selection in the highest grade of Rs.550-750. The applicants, therefore, cannot claim up-gradation of their posts on the basis of the parity or equality as the qualifications prescribed in the two Departments for the posts held by them are not similar.

11. The applicants have further filed an extract of recruitment rules for the post of Draftsman in the Department of Geological Survey of India at annexure 11. This document shows that there are no categories of the post of Draftsman in the Geological Survey of India and the Draftsman of that Department is required to possess a diploma in Draftsmanship(2-3 years course) from a recog-



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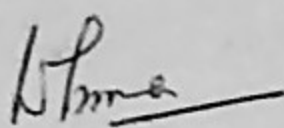
nised institute or diploma in Fine/Commercial Arts (2-3 years course) from a recognised Institute or diploma in Land Surveying (2 years course). The qualifications prescribed for the Draftsman in the Census Department are not similar to the qualifications prescribed for the Draftsmen of Geological Survey of India atleast in the sense that the diploma required for appointment as Draftsman should be <sup>2-3</sup> years course, which is not the case in the department of the applicants. So, if the Department of Geological Survey of India has allowed upgradation to its Draftsmen on the basis of office memorandum dated 13.3.1984, annexure 1, no advantage of it can be claimed by the applicants.

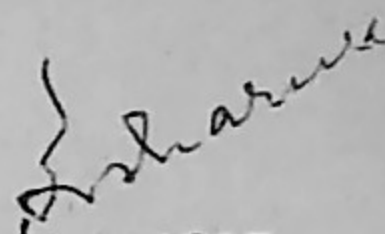
12. It is alleged by the applicants that the upgradation in the light of the office memorandum dated 13.3.1984, annexure 1, has been allowed even in the Indian Posts and Telegraph Department vide annexure 10 and the Department of Information and Broadcasting vide annexure 9. The qualifications prescribed for the posts of Draughtsman in those Departments have not been placed on record and as such, we are unable to give any advantage of the upgradation made by the said Departments to the applicants. We have carefully considered the documents produced by the parties in both the cases in the light of the submissions made on their behalf but find ourselves unable to agree with the contention that the qualifications prescribed for



the post of Draftsman in the Census Department are the same as those prescribed for Draftsman/Draughtsman in the CPWD. We are, therefore, not inclined to extend any benefit of annexure 1 to the applicants. We will, however, like to add and clarify that the respondent no.2, who is still stated to be considering the representations of the applicants and other Draftsmen of his department, will be free to extend the benefit of annexure 1 on taking a liberal view despite the observations made above.

13. Both the petitions are hereby dismissed without any order as to costs.

  
4.5.1987  
MEMBER (A)

  
4.5.1987  
MEMBER (J)

Dated 4.5.1987  
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