

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

O.A.No.164 of 1988.

Naim Bashir & othersApplicants.

Versus

Union of India & others.....Respondents.

Hon'ble Mr.Justice U.C.Srivastava, V.C.

Hon'ble Mr.K.Obayya, A.M.

(By Hon'ble Mr.Justice U.C.Srivastava, V.C.)

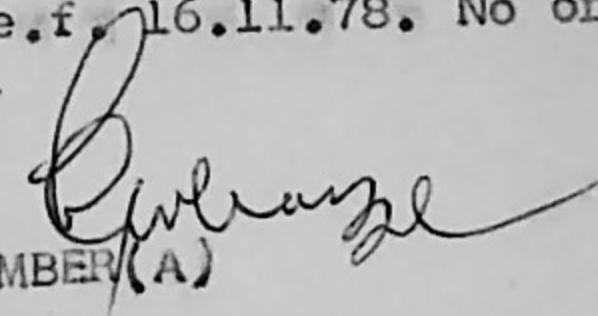
The question raised in this application has already been decided by the Delhi High Court as well as by the Tribunal. Therefore, we do not find any ground to disagree with the aforesaid decisions and also accept the same view which has been taken in the aforesaid cases.

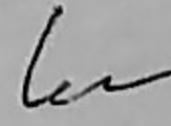
2. The applicants are Draughtmen in the Tele. Communication Department. The post of Draughtman in the Civil Wing is interchangeable. The IIIrd Central Pay Commission was set-up on 2.4.70 and it submitted its report in the year 1973. The recommendations of the Third Central Pay Commission were not implemented by the Government for the Draughtmen of the Central Public Works Department though they were recommended ^{for} the aforesaid scales. Ultimately the matter was referred to the Arbitration and the Arbitration gave their award to the effect that the scale of Draughtmen Grade III should be 330-560/- and consequently that of Draughtmen Grade II as Rs.425-700 and that of Draughtmen Grade I as 550-750. The Draughtmen Grade III, employed in the Civil Engineering Wing of Post and Telegraphs thus became entitled for the scale of Rs.330-560/- but

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even then they were deprived of the said scale. After the aforesaid award, the Draughtmen of CPWD are initially appointed/recruited in the pay scale of 330-560. When the Draughtmen of Civil Engineering Wing of Post and Telegraphs Department were not given the pay scale as was given to the Draughtmen of CPWD, they filed a writ petition No.911 of 1981 'Dharamvir Sahdev & others Vs. Union of India & Others' which was allowed on 23.2.84 and the Draughtmen of Civil Engineering Wing of the Post and Telegraph Department were also accorded the pay scale of Rs.330-560, 425-700 and 550-750. as provided in the award referred to above about which a dispute arose due to non-implementation of the Third Central Pay Commission's report. It was also directed that their pay may be notionally fixed w.e.f. 22.8.73 in the revised pay scales and arrears, if any, be allowed with effect from 16.11.78. The applicants have asserted, the duties, functions and qualifications for recruitment for the post of Draughtman in the aforesaid department. ^{One & one} The applicants cadre is the same and yet they were deprived of the said scale. The same question came for consideration before the Guwahati Bench of Central Administrative Tribunal in C.A. No.161 of 1987 'Manmohan Vs. The D.M. Phones & others' decided on 3.8.88. It was noted in that case that the SLP, filed by the Union of India, was dismissed as withdrawn. The same view was taken and it was directed by the Guwahati Bench that the applicants were entitled to the scale of pay in terms of the Third Central Pay Commission as have been given to the corresponding category of employees in the Central Public Works Department w.e.f. 22.8.73 and the pay of the applicants may be notionally fixed w.e.f. 22.8.73 in the revised scale and arrears, if any, be allowed w.e.f. 16.11.78.

3. The respondents have opposed this application and have tried to state that there are some differences in the duties and qualifications etc. of Draughtmen of the Civil Wing and Telecom Circle. This question has already been raised in the writ petition before the Delhi High Court against which the SLP was withdrawn and the similar question has also been decided by the Bombay Bench, Central Administrative Tribunal. Accordingly, we allow the application and it is held that the applicants are entitled to the scale of pay in terms of the Third Central Pay Commission as have been given to the Corresponding category of employees in the Central Public Works Department w.e.f. 22.8.73. It is further directed that the pay of the applicants may be notionally fixed w.e.f. 22.8.73 in the revised scale and arrears, if any, be allowed w.e.f. 16.11.78. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: JULY 8, 1992.

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