

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

Dated: this the 11th day of March, 1997

Hon'ble Mr. S. Das Gupta AM

CORAM : Hon'ble Mr. T. L. Verma JM

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ORIGINAL APPLICATION NO. 767/93

1. R. N. Tripathi MES/460461 son of
Late Sri S. N. Tripathi,
working as Draftsman Grade II,
Garrison Engineer(W), Allahabad
2. D.P. Shukla MES/216018 son of
B. P. Shukla, working as Draftsman
grade II, Garrison Engineer(W)
Allahabad.
3. R. S. Saxena MES/466345 son of
late N. S. Saxena, working as
Draftsman grade II, CWE, A/F,
Maharajpur, Gwalior.
4. Suresh Chandra Sharma, MES/441094
son of Shanker Lal Sharma, working
as Draftsman grade II, HQ CWE (AF)
Bamrauli, Allahabad.
5. Ativir Prasad Jain MES/438502 son of
R.S. Jain, working as Draftsman grade II
Garrison Engineer, Agra Cantt.
6. Bhim Sen MES/224271 son of Late Sahib Ram
Khatri, working as Draftsman Grade II
Garrison Engineer E/M Maharajpur,
Gwalior.

WS

7. Lalji Singh MES/435876 son of late Vishwanath Singh, working as Draftsman Grade I, Garrison Engineer (West), Allahabad.
8. Devendra Kumar Kohli MES/432168 son of K. L. Kohli, working as Draftsman Grade I, Chief Engineer Bamrauli (A/F), Allahabad.
9. Devi Prasad Dwivedi MES 435011 son of Late Raja Ram Dwivedi, working as Draftsman, Grade I, Chief Engineer (A/F) Allahabad.
10. Sharad Chandra Srivastava MES/430388 son of late Sri Hari Shanker Lal, working as Draftsman grade I, Addl. C.E.(L), HQ. CAC, Bamrauli, Allahabad.
11. Dharam Vir Singh MES/223067 son of Vishram Singh, working as Draftsman Grade I, Garrison Engineer, Morar, Gwalior.
12. Rajendra Kumar Nigam MES/206001 son of R.G.Nigam working as Draftsman grade I, Chief Engineer A/F Bamrauli, Allahabad.
13. R. N. Asthana MES/450122 son of S. B. Asthana working as Draftsman Grade I, C. E. A/F, Allahabad.

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14. S. K. Varma MES 455556 son of
M. L. Varma working as Draftsman
grade I, HW. C.W.E., Allahabad.
15. O. P. Sharma MES/450252 son of
K.C. Sharma working as Sr.Draftsman
CWE, Allahabad.
16. A.B.Pandey MES 431318 son of
R. C. Pandey working as Draftsman
Grade I, CWE, Allahabad.
17. Balbir Singh MES /400056 son of
S. Teja Singh working as Sr.Draftsman
Chief Engineer (A/F), Allahabad.
18. Anand Prakash MES/428010 son of
Late Kalu Ram, working as
Sr. Draftsman Chief Engineer (A/F)
Allahabad.
19. K. S. Bhist MES/224/224260 working
as Sr. Draftsman, Garrison Engineer,
Behta.
20. Hirendra Ch. Nag MES/400063 son of
late D. C. Nag, working as Sr.Draftsman
Garrison Engineer(A/F), Bamrauli
Allahabad. - - - - - PETITIONER^S

C/A Sri Rakesh Singh

VERSUS

1. Union of India through Secretary
Ministry of Defence, New Delhi.

2. Engineer-in-Chief, E-in-C's branch
Army Headquarter, New Delhi.

3. Chief Engineer, Central Command,

C/R Sri C. S. Singh

ORDER.

Hon'ble Mr. S. Das Gupta AM

This application has been filed by 20 Drawing Office staff in the M. E. S. under section 19 of the Administrative Tribunals Act 1985 seeking direction to the respondents to give them revised pay scale as granted to the Draftsmen of C. P. W. D. on the basis of the award dated 26.9.1980 as well as in view of certain decision given by the Delhi High court and Allahabad bench and Gwahatibench of the Tribunal. The question as to whether the benefit of higher pay scale granted to the Draftsmen of C.P.W.D. should be given to other government departments or not came under the judicial scrutiny in a number of cases. The government order which was issued accepting the award given in respect of C.P.W.D. is contained in annexure 4. In this government order dated 27.4.84 it has been specifically stated that the benefits given to the C.P.W.D. Drawing staff should also be given to the Draftsmen of other offices of government of India provided their recruitment qualification is similar to those prescribed in the department of C.P.W.D. and that the benefit shall be given notionally with effect from 13.5.1982 and the actual benefit be allowed with effect from 1.11.1983.

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2. It appears that the ~~Guwahati~~ bench of the Tribunal had allowed the benefit of higher pay scale to the Draftsmen of Telecom department with effect from the date these were granted to the C.P.W.D. It also appears that S.L.P. filed against this decision was latter withdrawn by the department and they implemented the decision of the Tribunal.

3. The applicants before us do not belong to Telecom department, but are employees of M.E.S. which ~~is~~ department is under the Ministry of Defence. Same problems arose in the case of Ordnance factories, which is also ~~the~~ department under the Ministry of Defence. In the case of one Debasish Kar and others JT 1995(J) SC 543, the Hon'ble Supreme court has upheld the government order by which benefit of higher pay scale to the departments other than C.P.W.D. were to be granted notionally with effect 13.5.82 and actual with effect from 1.II.1983.

4. It appears that even before the O.A. was filed, the respondents had issued the order dated 16.4.1982 extending benefit of higher pay scale in line with the C.P.W.D. award to the department of M.E.S., but such benefits have been granted notionally w.e.f 13.5.82 in light with the G.O. in this regard. Prayer of the applicant ^{is} that such benefit be given w.e.f. the date on which such benefits were granted to the C.P.W.D. department.

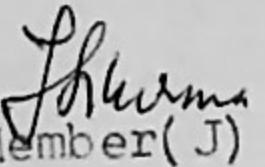
5. We are aware that such benefit was granted to telecom department as a result of certain decisions of the Tribunal. That department had chosen to implement the decision. We are, however, not convinced

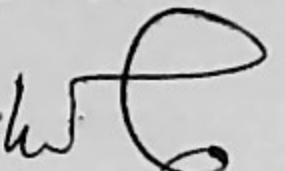
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that as a result of the decision given by the Tribunal in the Telecom department's case, similar benefit should also be granted to the department of M.E.S.

6. Infact since the Hon'ble Supreme court has upheld the government order granting benefit notionaly to other departments with effect from 13.5.1982 in the case Debasish Kar, we are of the view that the staff of M.E.S. should also be granted similar benefit as ~~well~~ ^{the Staff of} the Ordnance factor~~ies~~, ^{being} ~~are~~ the sister department, under the Ministry of Defence.

7. Inview of the foregoing, we find no reason to interfere in the matter and the same is dismissed, leaving the parties to bear their own costs.


Member (J)


Member (A)

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