

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.OA 957 of 97

Date of order : 11.8.03

Present : Hon'ble Mr.Justice B.Panigrahi, Vice-Chairman

Hon'ble Mr.S.Biswas, Administrative Member

SURENDRA NATH ROY & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : Mr.S.N.Roy, counsel

For the respondents: Ms.U.Sanyal, counsel

O R D E R

Justice B.Panigrahi, VC

In this application the applicants have claimed the revised scale of pay and allowances at par with the scale of pay and allowances of Ferro-Printer working in CPWD in the light of judgment delivered in OA 74/88 passed by Hon'ble Justice V.S.Malimath, the then Chairman of CAT, Principal Bench, which was affirmed in the Supreme Court. They have also further claimed the arrear scale of pay and all other consequential service benefits w.e.f. 1.1.88 like those of their counterparts working in the CPWD as Ferro Printers. The applicants were working as Ferro Printers as civilians in the Military Engineering Service. The other Ferro Printers those who had been working in the CPWD were not given the same scale of pay with the Ferro Printers working in the Bureau of Public Enterprises, Ministry of Finance. Therefore they filed an application being OA 74/88 before the CAT, Principal Bench, New Delhi. The then Hon'ble Chairman considering the grievances of the persons working as Ferro Printers in CPWD as they were denied to be given the same scale of pay as that of Ferro Printers working in Bureau of Public Enterprises, Ministry of Finance, gave a direction to the respondent No.1 to give the same scale of pay as that was admissible to Ferro Printers working in Bureau of Public Enterprises, Ministry of Finance. Even though the employees working in CPWD as Ferro Printers had

been given the higher scale of pay **at** par with the Ferro Printers working in Bureau of Public Enterprises but since the applicants had not been given the same scale of pay, therefore they filed this case. It appears thereafter 5th Pay Commission has come to picture and Mr. Roy, Id. counsel appearing for the applicant has stated that even in the 5th Pay Commission there is no revision of the scale of pay of Ferro Printers.

2. The respondents have inter alia challenged the demand of the applicants by stating that duties and responsibilities and Recruitment Rules of Ferro Printers working in CPWD and also Ferro Printers working in the Bureau of Public Enterprises Ministry of Finance are entirely different. Therefore there is no occasion to give the same scale of pay to these applicants.

3. While considering the applicants' grievances the main thing that has to be looked into is whether the nature of duties, responsibilities of Ferro Printers working in Defence as well as CPWD are identical and similar. If it is found that nature of duties and responsibilities are same, then the authorities cannot deny the scale of pay as it is being given to the Ferro Printers working in CPWD. In this application, there are not enough material to come to a decision in either end. We therefore in the aforesaid situation direct the respondent No.1 to refer to the Anomaly Committee if any to consider the nature of duties and responsibilities of Ferro Printers in Defence are **similar to that of the Ferro Printers working in CPWD**. If it is found that the duties and responsibilities and also method of working are same, the applicants could not have been denied of their right and get the same scale of pay as Ferro Printers working in CPWD. Thus the matter shall be disposed of by the Anomaly committee after it is being referred within 4 months from the date of communication of the order. While considering