

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No.
~~XXXXXX~~

46/89

499

DATE OF DECISION 23.4.1991

1. T.T.Bhuvanachandran, General Secy.,
Employees Assn., CIFNET,
Cochin. Applicant (s)
2. A.R.Padmanabhan

M/s K.Ramakumar &
~~VR Ramachandran Nair~~ Advocate for the Applicant (s)
Versus

~~UOI rep. by Secy. to Govt.,~~ Respondent (s)
M/o Agriculture, D/o Agriculture and
Co-operation, N.Delhi & Another
Mr.AA Abul Hassan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V.Krishnan - Administrative Member
and
The Hon'ble Mr. A.V.Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *Yes*
4. To be circulated to all Benches of the Tribunal? *Yes*

JUDGEMENT

(Mr.A.V.Haridasan, Judicial Member)

The applicants, the General Secretary, Employees Association of Central Institute of Fisheries, Nautical and Engineering Training (CIFNET), Cochin and A.R.Padmanabhan, Draughtsman working in the CIFNET have filed this application under Section 19 of the Administrative Tribunals Act, praying that it may be declared that the Draughtsman in the CIFNET are entitled to the benefit of revision of pay as per the Government order No.11018/13/84-Genl. Coord, Government of India, Ministry of Agriculture dated 26th March, 1984, at Annexure-A, and that the order dated

...2/-

23.10.1988 issued by the Director, CIFNET, informing that the Ministry of Finance have rejected the request for revision of pay of Draughtsman and Annexure-D order of the Ministry of Agriculture dated 8th Oct., 1987, rejecting the proposal for revision of pay of the Draftsman are illegal and violative of Article 14, 16 and 21 of the Constitution of India. The facts of the case can be briefly stated as follows:-

2. The first applicant represents the employees association of the CIFNET. The second applicant is a Draughtsman working in the CIFNET in the scale of pay of Rs.1200-2040 which is ^{the} 1 revised scale of pay for the earlier scale

of Rs.330-560. A revision of pay scale of Draughtsman Grade III, II and I in Government of India office/departments was made on the basis of the award of the Board of Arbitration in the case of Central Public Works Department. Pursuant to that the President issued the order No.11018/13/84-Genl-Coord dated 26th March, 1984, at Annexure-A, directing the scale of pay of the Draughtsman Grade III, II and I in Offices/Departments of ^{Government of} India other than the Central Public Works Department may be revised provided their recruitment qualifications are similar to those prescribed in the case of Draughtsman in the CPWD. After promulgation of the above said Presidential order, the Association represented by the first applicant made representation claiming ^{the} benefit of revision of pay scale to the

Draftsman working in the CIFNET. To this representation the reply dated 23.10.1988, at Annexure-C was given, informing that the Ministry of Finance have rejected the proposal for revision of pay scale to the Draftsman of the CIFNET. This communication was communicated by the order of the Ministry of Agriculture dated 8.10.1987, at Annexure-D in which it was stated that the Ministry of Finance have rejected the proposal, and that the case would be taken up again with the Ministry of Finance, in the light of the revision, in case the Recruitment Rules are amended. In the meanwhile in almost similar circumstances, the Bangalore Bench of the Central Administrative Tribunal has in their order in application No.711 and 714/87 filed by Draftsman working in the Central Institute of Coastal Engineering for Fishery directed the revised pay scale of Rs.425-700 to be given to the Draftsman Grade II in that establishment with effect from 13.5.1982 with actual financial benefit from 1.11.1983. Making reference to the above said order of the Tribunal the applicant No.1 submitted a representation on 27th July, 1988, claiming extension of the benefit of revision of pay scale to the Draftsman in the CIFNET. Since this representation has not been responded to, the applicants have filed this application praying that, it may be declared that the Draftsman in the CIFNET are entitled to the revision of pay scale in terms of Annexure-A order, and that the Annexure-C and D order may be quashed.

It has been averred in the application that, as the recruitment qualification prescribed for Draughtsman Grade II in CIFNET are similar to those prescribed in the case of Draughtsman in the CPWD, the applicants are also entitled to the revised pay scale of Rs.425-700 with effect from 1.11.1983 and Rs.1400-2300 with effect from 1.1.1986. It has been further averred that the denial of the benefit of the revised pay scale to the Draughtsman in the CIFNET alone is violative of Article 14, 16 and 21 of the Constitution of India, and that by doing so the principle of equal pay for equal work is also violated.

3. The respondents have in the reply statement contended that the recruitment qualification of the Draughtsman Grade II in the CPWD and the CIFNET being not similar, it is not possible to extent the benefit of revision of pay scale to the Draughtsman in the CIFNET. It has also been averred that the decision of the Bangalore Bench of the Tribunal does not apply to the facts of this case.

4. We have heard the counsel on either side and have also carefully gone through the documents produced.

5. The applicants base their claim for revision of pay scale on the Government Order No.11013/13/84.Genl-Coord dated 26.3.1984, at Annexure-A. This order reads as follows:

"The undersigned is directed to state that a committee of the National Council (Joint

Consultative Machinery) was set up to consider the request of the staff side that the following revised scales of pay allowed to the Draughtsmen Grade I II and III working in Central Public Works Department on the basis of the Award of Board of Arbitration ~~Mayabemex~~ tended to Draughtsmen Grade III, II and I in all Government of India Offices:-

	Original Scale	Revised Scale on the basis of the Award
	-----	-----
Draughtsmen Grade I	Rs.425 - 700	Rs.550 - 750
Draughtsman Grade II	Rs.330 - 560	Rs.425 - 700
Draughtsman Grade III	Rs.260 - 430	Rs.330 - 560

2. The President is now pleased to decide that the scale of pay of Draughtsmen Grade III, II and I in Offices/Departments of the Government of India, other than the Central Public Works Department, may be revised as above provided their recruitment qualifications are similar to those prescribed in the case of Draughtsmen in Central Public Works Department. Those who do not fulfil the above recruitment qualification will continue in the pre-revised scales. The benefit of this revision of scales of pay would be given notionally with effect from 13.5.1982, the actual benefit being allowed with effect from 1.11.1983."

In order to claim the benefit of revision of pay scale on the basis of Annexure-A order, the applicants have to establish that the recruitment qualifications for Draughtsmen Grade II in CIFNET are similar to those prescribed in the case of the Draughtsmen in CPWD. Annexure-R.1 is a copy of the Recruitment Rules for the post of Draughtsmen in CIFNET. Educational and other qualifications

for Direct Recruitment as per this Recruitment Rule is as follows:

"Diploma in Mechanical Engineering.
Diploma in Draughtsmanship/Certificate in Draughtsmanship or licenced Draughtsman.
2 years experience as Draughtsman in any Central or State recognised private organisation."

Annexure-R.2 is a copy of the Recruitment Rule for the post of Draughtsman Grade II in the CPWD. Recruitment Qualifications are:

"For Draughtsman (Civil)


Certificate of Diploma in D'manship (civil) from a recognised institution of not less than 2 years (including 6 months practical training) plus practical experience of at least one year in the line in an organisation of repute. after getting Diploma.

For Draughtsman (Electr.)

Certificate of Diploma in D'manship (Mechanical or Electrical) from a recognised institution of not less than 2 years (including 6 months practical training) plus practical experience of at least one year in the line in an organisation of repute, after getting the Diploma."

It can be seen from a comparison of the recruitment qualifications prescribed in these two establishments in the Recruitment Rules that, for recruitment to the CPWD Draughtsman, one should have a certificate or Diploma in Draughtsmanship from a recognised institution of not

...7/-



less than 2 years duration including 6 months practical training, whereas in the case for recruitment as Draughtsman in the CIFNET, though Diploma in Mechanical Engineering or Diploma in Draughtsmanship/Certificate in Draughtsmanship or licentiated Draughtsman are shown as essential qualification, it is not specified that the Diploma or the Certificate Course in the Draughtsmanship should be of 2 years duration. As the Recruitment Rules relating to Draughtsman in CPWD at Annexure-R2 specifically state that the course of draughtsmanship should be from a recognised institution of not less than 2 years, it can be inferred that there would be Diploma course of a shorter duration. That apart, even a licentiated Draughtsman has been made eligible for recruitment as Draughtsman Grade-II in CIFNET. These are persons who do not have the necessary academic qualification but are yet given a licence, probably on the basis of experience. This has diluted the provisions regarding qualification in CIFNET. So, on a comparison of the qualification prescribed in Annexure-R.1 and R.2, we find that there is lot of dis-similarity in the Recruitment Rules. Therefore, as it is not possible to find that the recruitment qualification for Draughtsman in CIFNET as per Recruitment Rules is similar, if not identical to the Recruitment Rules for the post of Draughtsman Grade II in CPWD, we are of the view that in terms of Annexure-A order, the Draughtsman in the CIFNET cannot claim revision in the pay scale on a par with the Draughtsman Grade II in CPWD in the face of the clear provision in Annexure-A Presidential

order that the revision of pay scale would be subject to the condition that the recruitment qualification are similar to those prescribed in the case of the Draughtsman in the CPWD, and that those who do not fulfil the recruitment qualification would continue to be in the pre-revised scale. The learned counsel for the applicants argued that the photostat copy of the National Trade Certificate of Draughtsmanship issued to the first applicant shows that the course was of two years duration including 6 months practical training and that, therefore, the recruitment qualification for Draughtsman in CIFNET should be considered similar as that of the Draughtsman of CPWD. To decide whether the recruitment qualification prescribed are similar or not the certificate issued to individuals is not at all relevant. A comparison to be made of the recruitment qualification prescribed in the two Recruitment Rules. On such a comparison as stated earlier, it is evident that the recruitment qualification for Draughtsman Grade II in CIFNET is not similar to that for Draughtsman Grade II in CPWD. The claim of the applicant based on the principle of equal pay for equal work also cannot be accepted since the duties and responsibilities of the Draughtsman in CIFNET may be different from the duties and responsibilities from the Draughtsman in the CPWD, because CIFNET is an entirely different establishment than the CPWD and as no evidence is forth-coming to show that the duties and responsibilities of Draughtsman in CIFNET and CPWD are identical. The fact,

before the revision the pay scale of Draughtsman Grade II in CIFNET and CPWD was one and the same ipso-facto does not show that the duties and responsibilities were also identical. The learned counsel for the applicant invited our attention on the decision of the Full Bench of the Tribunal in OA 677/87, where in the revision of pay scale was extended to the Draughtsman Grade II in the Civil Engineering Wing of the Post and Telegraph Department. We have gone through the above judgement. In that case the recruitment qualification for the post of Draughtsman, P&T Civil Wing, is matriculation plus 2 years Diploma in Draughtsmanship with 6 months practical training which is similar to the educational qualification required for the recruitment as Draughtsman Grade II in the CPWD. So, the decision of the Full Bench does not advance the case of the applicants. So is the case in application No.711 to 714 of 1987 on the file of the Bangalore Bench. There also the recruitment qualification prescribed for Draughtsman in Central Institute of Costal Engineering for Fishery are similar to that of the Draughtsman of the CPWD. The qualification for appointment of Chief Draughtsman in Central Institute of Costal Engineering for Fishery is a Diploma in Civil Engineering or a certificate of Draughtsmanship of 2 years duration. In addition, in the same judgement, it is stated that the qualification for the post of Draughtsman in Central Institute of Costal

Engineering for Fishery is National Trade Certificate in Draughtsmanship (Civil) from a recognised institute (minimum duration of 2 years). Thus, wherever a decision has been rendered that the qualification of Draughtsman in another Department is similar to that in CPWD, one of the considerations is about the duration for earning the academic qualification, which should be not less than 2 years. In the case of the Draughtsman Grade II in the CIFNET, though Diploma or certificate in Draughtsmanship is prescribed as qualification, no duration of the course is prescribed for the certificate course or for the Diploma Course. Further a licentiated Draughtsman is also eligible as per these Recruitment Rules. So, we find that the recruitment qualification prescribed in the case of Draughtsman in CIFNET cannot be considered to be similar to that of recruitment qualification prescribed for Draughtsman Grade II in CPWD. Hence, we are of the view that the applicants have not succeeded in establishing that they are entitled to the revised scale of Rs.425-700 and 1400-2300 as claimed by them.

6. In the result, the application fails and the same is dismissed without any order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(N.V. KRISHNAN)
ADMINISTRATIVE MEMBER

23.4.1991