

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No.
 XXXX No.

55/ 199 90

DATE OF DECISION 29.6.1990

P.V BABY and 21 others Applicant (s)

Mr.R.Krishnan Nair Advocate for the Applicant (s)

Versus

The Union of India, represented by the Secretary, Ministry of Defence, New Delhi and 2 others Respondent (s)

Mr.K.Prabhakaran, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P. MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. N.DHARMADAN, 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? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

HON'BLE SHRI N.DHARMADAN, JUDICIAL MEMBER

The applicants are working as Draughtsman Grades I and II in Military Engineering Service (hereinafter referred to as MES). Their complaint in this application filed under Section 19 of the Administrative Tribunals Act, 1985 is that they have not been given by the respondents the revised scale of the Draughtsman in Central Public Works Department (hereinafter referred to as C.P.W.D) in spite of the orders of the President in Annexure-D.

2. According to the applicants the scale of pay of the Draughtsman was revised by the Third Pay Commission in Para 81 of Chapter XIV of the report. On 20.6.80 the

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Board of Arbitration issued an award with regard to the revision of pay of Draughtsman Grade I, II & III in the C.P.W.D. The Draughtsmen in C.P.W.D are in identical position with that of Draughtsmen in M.E.S.

3. Pursuant to the Award the Government of India implemented the revised scale in C.P.W.D as per Annexure-B & C. The demands raised by the similar employees from other Departments for the extension of the benefits of revised pay scale of C.P.W.D to them were conceded and the President by Annexure-D memorandum dated 13.3.84 decided that the pay scale awarded to the Draughtsmen in C.P.W.D would be extended to all Draughtsmen in similar grades working in other offices provided the recruitment, qualification etc. are similar to those prescribed in C.P.W.D.

4. According to the applicants, there is absolutely no difference between the recruitment rules, educational qualification, duties etc. of the Draughtsmen in Grades I & II in M.E.S and that of C.P.W.D. Accordingly the All India MES Civilian Draughtsmen Association representing the MES Draughtsmen including the applicants made several representations to the 3rd respondent. But they were rejected without assigning any reason.

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5. O.A 8/87 filed before the Central Administrative Tribunal, Calcutta Bench was allowed following an earlier decision of the Chandigarh Bench of Central Administrative Tribunal which decided the same issue in favour of the applicants in O.A 293/86. Annexure-E is the judgment. The matter was taken to the Supreme Court in SLP 275/88, but it was dismissed as per Annexure-F order.

6. Since this was not implemented by the respondents, the Central Administrative Tribunal, Chandigarh Bench issued Annexure-G directions to comply with the earlier judgment within a period of three months. Annexures H & I are two other judgments of the Central Administrative Tribunal, Chandigarh Bench in similar cases.

7. The prayer in this application is only to direct the respondents to extend the benefits of revised scale of C.P.W.D as ordered by the President of India in Annexure-D to the applicants with effect from 1.11.1983.

8. The only objection raised by the respondents is that the qualification to the posts of Draughtsmen in M.E.S were not similar to those of C.P.W.D till 17.1.1986, when the recruitment rules for the Draughtsmen Grade I were amended with effect from January 1986 to make them in conformity with the recruitment rules for similar posts in C.P.W.D.

9. The learned counsel appearing on behalf of the respondents did not point out any difference in the recruitment rules, method of selection, duties etc. of the Draughtsmen in MES and CPWD even prior to the above amendment. On the other hand the findings on this very same issue in the judgments at Annexure E, H and I are uniform and against the contention now raised by the learned counsel for the respondents. There are no materials before us to demolish the findings that the recruitment rules, method of selection and duties of Draughtsmen in MES and CPWD are identical for all practical purposes even before the amendment. There is no attempt on the part of the respondents to distinguish the above judgments of the Central Administrative Tribunal.

10. Hence having regard to the facts and circumstances of this case there is no other course open to us except to follow the above judgments and grant the identical reliefs to the applicants in this case.

11. In the result we allow this application and direct the respondents that CPWD scale of pay for Draughtsmen Grades I & II should be made applicable to the applicants with effect from 1st November, 1983 onwards. They shall also be paid all arrears calculated on that basis. This should be done by the respondents within a period of three months from the date of receipt of the copy of

.5.

the judgment. It is made clear that we are not making
a general order applicable to all Draughtsmen in MES
who are not before us. The application is allowed.
There will be no order as to costs.

N. Dharmadan
(N.DHARMADAN)
JUDICIAL MEMBER

29.6.90

S.P. Mukerji
(S.P. MUKERJI)
VICE CHAIRMAN

29.6.90

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

RA NO.117/90 IN MP 774/90
IN OA 55/90

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199

DATE OF DECISION 9-11-90

PV Baby and 21 others Applicant (s)

Mr R Krishnan Nair Advocate for the Applicant (s)

Versus

Engineer-in-Chief, Army Hqs. Respondent (s)

DHQ PD, New Delhi

Mr K Prabhakaran, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
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4. To be circulated to all Benches of the Tribunal?

JUDGEMENT


Mr NV Krishnan, A.M.

The applicant has filed RA seeking review of the order passed by us in MP 774/90 on 16.10.90. On that date we noted that none was present for the original applicants who are respondents in the M.P.

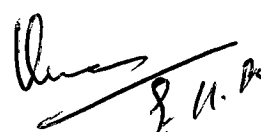
2 It is now submitted in the review application that the applicants did not get adequate notice as it is alleged that they were informed that the MP would be taken up for consideration on 5.10.90, but was not taken on that date.

3 We notice that MP 774/90 was served on the respondents on 8.10.90, obviously much later than 5.10.90. In this view of the matter we do not think that notice of motion could have been served on 5.10.90. Therefore, we do not see any need to modify the order passed by us on 16.10.90 stating that none was present for the original applicants.

4 The R.A is dismissed.


(N Dharmadan)
Judicial Member

9.11.90


(NV Krishnan)
Administrative Member

9-11-1990

SPM & ND

None for the petitioners

Mr K. Prabhakaran A/case Counsel for
the original respondents indicated that
the order of the Tribunal referred to in the
CCP is under the process of implementation
and some time is being taken because
records from different places are to be
obtained. In the circumstances list for
further directions on 14.1.91.

[Signature]

10/12/90.

[Signature]

14-1-91

(13)

NVK & ND

Mr R. Krishnan Nani for the petitioners
None for respondents

The learned Counsel for the applicant
to file one more statement on the CCP.
Let the matter be ^{taken} ~~come~~ up again
2/91.

[Signature]

SPM & AVH.

14-1-91

Mr. R. Krishnan Nani for the petitioners
Mr K. Prabhakaran A/case for respondents by Bony

Heard learned Counsel for both
parties. One learned Counsel for the original
applicant states that though necessary action
has been taken for implementing the order
of the Tribunal, there is some controversy

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about the date of retrospective
promotion of original applicant No. 3
about which a representation has
been made to the respondents list
for further direction on 2.4.91

SPM
1/2/91

2-4-91
(14)

SPM & AVH

Mr R Krishnan Nair for petitioner
Mr Santhoshkumar for respondents(proxy)

ORDER

We have heard the learned counsel for the parties on the CCP which is regarding non-implementation of the order of this Tribunal dated 29.6.1990 in OA-55/90. During the course of the argument, the learned counsel for the original respondents produced an MP bearing Dy.No.2590/91 in which extension of time for implementation of the aforesaid judgment for a period of 3 months has been prayed for. It appears that the last extension given for implementation of the aforesaid order expired on 1.4.91.

Accordingly, we do not think that there has been any contempt of the direction of this Tribunal. The CCP is therefore closed and the notice discharged.

(Signature)
(AV HARIDASAN)
JUDICIAL MEMBER

(Signature)
(SP MUKERJI)
VICE CHAIRMAN

2-4-1991

*To issue
file closed
RSM*

*3/4/91
Mr. P. P.*