

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration O.A.No. 56 of 1991 (L)

Swaraj Kumar Banerjee & Others....

Applicants

Vs.

Union of India & Others .....

Respondents

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

Hon'ble Mr. A.B. Gorthi, Member ( A )

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

By means of this application the applicants who are the employees of Military Engineering Service have approached the Tribunal against the disparity in awarding revised pay scales to the similarly placed persons. The applicants are working as Draftsmen in Grade-I and Grade-II respectively in the Military Engineering Service and are posted under Central Command, Lucknow. Prior to 4th Pay Commission, 1986 the respondents have provided the pay scale of Rs. 330-560/- for Grade-II Draftsmen and Rs. 425-700/- for Grade-I Draftsmen. The applicants and various other Draftsmen of the department were demanding higher pay scale i.e. Rs. 425-700/- for the Grade-II Draftsmen and Rs. 550-750/- for the Grade-I Draftsmen as the similarly placed persons working in Central Public Works Department had been provided the above mentioned higher scale under revised pay scale., but it was not given to the Draftsmen working in MES. Ultimately the matter was taken before the Calcutta Bench of this Tribunal in O.A.No. 8 of 1987 Jatindra Kumar Sapui and others Vs. Engineer-in-Chief, and the Calcutta Bench allowed this application directed that the benefit extended to applicant will not be in general but it is expected that the same may be extended to all equally affected employee on the same principle. The benefit of the same has now been extended to the Draftsmen working in the various departments.

2. Although the respondents have filed a Counter Affidavit and have opposed the application and the learned counsel for the respondents Dr. Dinesh Chandra <sup>has resisted the</sup> claim of the applicants. But there appears to be no reason why this application not be allowed as the Draftsmen are performing ~~the~~ similar duty and the benefit of the revised pay scale has been granted to the Draftment of the various other Departments and also given in MES and the same has been implemented. There appears to be no reason why the Draftsmen working in the MES may also not be allowed to said benefit. A denial of this benefit to them will be violative to Article 14 of the Constitution of India. Accordingly this application is allowed and the respondents are directed that the C.P.W.D.'s scale of pay for the Grade-I Draftsmen Rs.560-750/- <sup>made</sup> be applicable to the Grade-I Draftsmen of MES and the scale of Rs.425-700/- be made applicable to the Draftsmen Grade-II of MES, <sup>made</sup> and these scales should be applicable to them with effect from 13.5.82 <sup>notionally</sup> and w.e.f. 1.11.83 actually. There will be no order as to costs.

  
Member (A)

  
V ice-Chairman.

30th January, 1992, Lucknow.  
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(sph)