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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

CAMP : NAGPUR

Original Application No. 571/89

Shri S.V. Sutaone,
D'man Gr. I,
Archaeological Survey of India
Excavation Branch,
Old High Court Bldg. and 7 others. ... Applicants.

V/s.

Union of India through its
Secretary, Min. of Human
Resources and Culture,
Shashi Bhavan,
New Delhi. and 4 others. ... Respondents.

CORAM: Hon'ble Shri Justice U.C. Srivastava, Vice Chairman
Hon'ble Shri P.S. Chaudhuri, Member (A).

Appearance

Shri S.G. Aney, advocate
for the applicants.

Mr. R.K. Shetty, Counsel
for the respondents.

JUDGMENT:

Dated : 12.7.1991.

(Per U.C. Srivastava, Vice Chairman)

1. The applicants are working as Draughtsmen in various grades in the office of Superintendent, Archaeological Survey of India, Nagpur. Their pay scale on initial appointment was Rs. 260 - 430. In 1980 the Government of India revised the pay scales of Draughtsmen working in the Central Public Works Department (for short, CPWD). Thereafter, the Government directed that a Committee of National Council (JCM) be set up to consider the request of the staff side that the revised scale of pay allowed to the Draughtsmen working in CPWD on the strength of the Award of the Board of Arbitration to be extended to

Draughtsmen Gr. I, II & III in all Central Government Offices. In 1984 the Government notionally sanctioned the revised pay scales with effect from 13.5.1982, with actual benefit being given from 1.11.1983, for other Draughtsmen also provided their recruitment qualifications were similar to those prescribed for the Draughtsmen in the CPWD. Thus, the benefit given to the Draughtsmen working in CPWD has been extended to others also on the basis of the award of arbitration.

The Fourth Pay Commission had observed in its report that based on award given by the Board of Arbitration in respect of Draughtsmen of CPWD the Government has issued orders for revision of pay scales of Draughtsmen in all Government of India Offices and the Draughtsmen were to be given revised scales provided the recruitment qualifications were similar to those prescribed for Draughtsmen of CPWD.

2. The applicant's claim is that as a result of the recommendation of the IIIrd and IVth Pay Commissions all the Central Government employees working as Draughtsmen in other Government departments were given benefit, but the same benefit is not given to the applicants and they are deprived of these scales in Archaeological Survey of India. The applicants have therefore approached this Tribunal for such pay scales on the ground of 'equal pay for equal work' alleging that so far as duties and functions are concerned there is no difference between their work and the work of Draughtsmen working in CPWD and other departments where the benefit of revised scale has been given.

3. The respondents have resisted the claim of the applicants on the ground of 'equal pay for equal work'. They have contended in their written reply that the duties and responsibilities of Draughtsmen Gr. I, II, & III of CPWD and that of applicants' department are identical. The recruitment rules are different and a mere recruitment qualification or designation will not give them the benefit of equal scale of pay at par with CPWD. The request that the following scales of pay allowed to Draughtsmen in CPWD on the basis of the Award of the Board of Arbitration: -

	<u>Original scale</u>	<u>Revised scale</u>
D'men Gr. I	Rs. 425 - 700	Rs. 550 - 750
D'men Gr. II	Rs. 330 - 560	Rs. 425 - 700
D'men Gr. III	Rs. 260 - 430	Rs. 330 - 560

also be extended to Draughtsmen in all Government of India offices was referred to a committee of the National Council (JCM) and the Government agreed to extend the above pay scales to other Government departments provided the recruitment qualifications were the same as applicable to the corresponding category of Draughtsmen in CPWD. As such, the applicants are not entitled to the pay scale which was given to the Draughtsmen of CPWD since the recruitment rules differ. Thus the applicants are not entitled for the benefit of OM dated 13.3.84.

4. The applicants in their affidavit in reply have stated that for the purpose of recruitment to the post of Draughtsmen as per recruitment rules a certificate or diploma in Draughtsmanship (Civil)

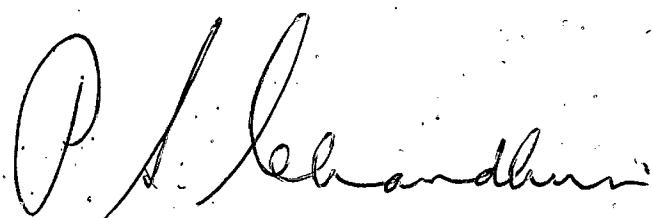
from a recognised Institution of not less than 2 years including 6 months practical training is necessary. They contended that they fulfil the recruitment rules and in support of their claim they have submitted copies of Diploma. The applicants have further pleaded that Draughtsmen in CPWD and Draughtsmen in Archaeological Survey of India are performing similar duties and functions, such as preparing drawings including those for publication such as plans, maps, charts, sections or elevations of monuments or buildings or excavated sites or tracing, inking, copying, blue-printing etc., of excavated finds. He has to maintain records, registers, accounts, stock of tools and instruments for his use etc. Thus according to the applicants the qualification required for Draughtsmen Gr.I, II & III of CPWD and the Draughtsmen of Archaeological Survey of India are same. Thus according to the applicants the qualification required for Draughtsmen of Gr.I II & III is equal and identical to the Draughtsmen Gr.I, II & III of CPWD ^{and} the Draughtsmen have necessarily to be matriculates with diploma in draftsmanship.

5. The respondents in their sur-rejoinder have stated (1) the duties and responsibilities of Draughtsmen Gr. I, Gr.II and Gr.III working in Archaeological Survey of India and the duties and responsibilities of Draughtsmen Gr. I, Gr.II and Gr.III in CPWD and have denied that the duties are identical.

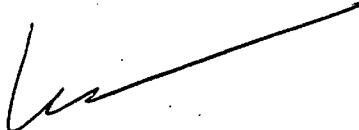
6. The applicants have reasserted that they have been performing the duties and responsibilities equal to that of CPWD. The respondents have pleaded that some such case has been dismissed by the Bangalore Bench of CAT.

7. The principle of 'equal pay for equal work' has come to stay in the country and the apex court has repeatedly applied the same whenever it was found that the work is more or less similar. The respondents have not been able to point out any such case on which the pay is dependent on the recruitment ^{rules} for the post. As a matter of fact the qualifications are the same except that there is some difference in certain grades. But that has nothing to do with the recruitment rules. So far as the duties and responsibilities are concerned we cannot say that there is any specific variation and apparently the duties and responsibilities are the same. Where the duties and responsibilities of various other departments, may be Telecommunication or Ground Water of PWD, has been accepted as the same, it becomes difficult to accept that the duties and responsibilities cannot be said to be identical to each other in the present case, leaving aside any minor or unsubstantial variation. But the Tribunal itself cannot grant any pay scale as it is a matter to be decided by the Government and Pay Commission. So far as this particular Department is concerned, in our opinion the applicants have got a case for claiming equal pay for equal work.

8. Accordingly the respondents are directed to consider the claim of the applicants for 'equal pay for equal work' in the grade of Draughtsmen Gr.I, II and III taking into consideration that the pay scale granted to Draughtsmen in various other Departments and in the light of duties and responsibilities performed by the Draughtsmen of all the departments in which revised pay scales have been granted. Let this matter be decided by the Government within a period of four months from the date of communication of this order.



(P.S. CHAUDHURI)
MEMBER (A)



(U.C. SRIVASTAVA)
VICE CHAIRMAN