

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1158/92
Transfer Application No.

5

Date of Decision : 24/6/85

Shri V.V.Gadkari

Petitioner

None

Advocate for the
Petitioners

Versus

Union of India & Anr.

Respondents

Shri Suresh Kumar for Sh.M.I.Sethna

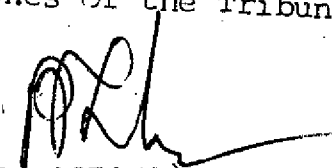
Advocate for the
respondents

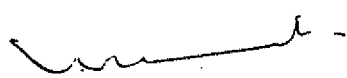
C O R A M :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P.Srivastava, Member (A)

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?


(P.P.SRIVASTAVA)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 1158/92

6

Shri Vasant Vishwanath Gadkari ... Applicant

V/S.

Union of India & Anr. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

None for the Applicant

Shri Suresh Kumar
for Shri M.I.Sethna
Advocate
for the Respondents

JUDGEMENT

Dated: 26/7/95

(PER: P.P.Srivastava, Member (A))


The applicant was appointed as a Draftsman in 1952 in the Office of Collectorate of Central Excise, Pune. He was promoted as Draftsman Senior Grade in the scale of pay of Rs.425-700 on 13.3.1984. The above scale was revised to Rs.550-750. The applicant through this OA. has approached this Tribunal for fixing his pay in terms of Ministry of Finance letter dated 13.3.1984 placed at Annexure-II, according to which the Grades of Draftsman were revised. He has sought the relief that his pay should be fixed in the Grade of Rs.1600-2660 w.e.f. 1.1.1986 in terms of IV Pay Commission's recommendations and arrears of pay and allowances ^{be paid} w.e.f. 1.11.1983 and also his pension be fixed accordingly.

2. The respondents have brought out that the provisions of Government's letter dated 13.3.1984 are not applicable in the case of the applicant



as the structure of the Draftsman ^{cadre} in the Department of Central Excise is different than the one which has been provided in the letter dated 13.3.1984. The respondents have further brought out that the criteria of promotion and recruitment being different, the provisions of letter dated 13.3.1984 could not be applied in the case of the applicant. The applicant has quoted a judgement of the Supreme Court in Bhagwan Sahai Carpenter & Ors. vs. Union of India & Anr. 1989 SCC (L&S) 348, (1989) 2 SCC 299. In this judgement the Hon'ble Supreme Court has held that the upgradation of some trades in MES while remaining trades in the MES were upgraded on a later date was violative of principle of equal pay for equal work from the earlier date. We do not see that applicability of this judgment would have ~~any~~ in the facts and circumstances of this case.


3. Counsel for the respondents have pleaded that the case is hopelessly time barred as the applicant is seeking fixation of his pay ^{from 1.1.86.} The application is hit by limitation under Section 21 of the Administrative Tribunals Act 1985 as the final order in this case was passed by the Ministry on 15.10.1990 while the applicant has filed this OA. on 6.11.1992. The learned counsel for the respondents has further submitted that the Recruitment classification under Central Excise & Land Customs, Deptt. Gr. 'C' Recruitment Rules 1979 are applicable in the case of the applicant and only 2 Grades of Draftsman are available in this Department. The letter dated 13.3.1984, on which the applicant has relied, envisaged upgradation of 3 grades of Draftsman. In Para 2 of the letter it is mentioned that :-




" The President is now pleased to decide that the scale of pay of Draughtsmen Grade III, II and I in Offices/Department of the Government of India, other than the Central Public Works Department, may be revised as above provided their recruitment qualifications are similar of 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."

Since the grades of draftsman under Central Excise Rules were not found similar in the CPWD, the applicant's request was rejected and the applicant cannot claim any benefit under the above circumstances.

4. We have gone through the record and considered the arguments of the counsel for the respondents. In the facts and circumstances of the case, we are of the opinion that the case of the applicant is not covered by the Circular dated 13.3.1984 and therefore the benefit of upgradation as envisaged in that letter cannot be granted to him. We, therefore, do not see any merit in the OA. and the same is dismissed. There will be no order as to costs.


(P.P. SRIVASTAVA)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.

*This order is recalled in RP
124195 dt 6-1-97
& matter referred to FH
on 29/4/97*

