

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: **27 SEP 1994**

APPLICATION NO: 780 of 1994.

APPLICANTS:-Sri.R.S.Manuel,
V/S.

RESPONDENTS:-The Director,Foreman Training Institute,Bangalore
and two others.

To

1. Dr.M.S.Nagaraja, Advocate,
No.11,First Cross,II Floor,
Sujatha Complex,Gandhinagar,
Bangalore-560 009.
2. Sri.M.Vasudeva Rao,Addl.Central
Govt.Stng.Counsel,High Court Bldg,
Bangalore-560 001.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal,Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 12-09-94.

Issued on
27/9/94

o/c

[Signature] 27/9
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

ORIGINAL APPLICATION NO.780/94.

MONDAY, THE TWELVTH DAY OF SEPTEMBER, 1994

SHRI V.RAMAKRISHNAN.

...MEMBER (A)

SHRI A.N.VUJJANARADHYA.

...MEMBER (J)

Sri R.S.Manuel,
Aged 43 years,
S/o Sri S.E.Manuel,
142, Lalbagh Road,
Bangalore-560 027.

..Applicant

Advocate by Dr.M.S.Nagaraja.

Versus

1. The Director,
Foreman Training Institute,
Bangalore-560 022.

2. The Director General of
Employment & Training,
Ministry of Labour,
Govt. of India,
New Delhi.

3. Union of India
represented by Secretary to Govt.,
Department of Labour,
Government of India,
New Delhi.

...Respondents

Advocate by Shri M.Vasudeva Rao, C2G.S.C.

O R D E R

Shri V.Ramakrishnan, Member (A)

The applicant in this case, who is a senior
draughtsman in Foreman Training Institute, Ministry of



Employment and Training has moved this Tribunal with a prayer that we should issue a direction that he should be given higher pre-revised scale of Rs.550-750 as against 425-700 actually given to him.

2. The applicant, who joined in the department as junior draughtsman was appointed as senior draughtsman in 1975 and was given the scale of Rs.425-700. The question of giving higher pay scale to the cadre of draughtsman in the CPWD was referred to the Board of Arbitration and on the basis of the award, the pay scale of corresponding category in the CPWD, which was in the scale of Rs.425-700 was upgraded to Rs.550-750. Government of India by its OM issued in March, 1984 extended the benefit of the higher pay scale available to the draughtsman in CPWD to similarly placed persons of other departments. The applicant claims that he should have been given this pay scale of Rs.550-750 on the basis of this OM. He has also referred to the decision of this Tribunal dated 8.6.90 in OA 464 and 465/89, where such benefit was extended to S/Shri Ananda Rao and Machi kanna, who were serving in the same office. He had represented to the department by his letter dated 7th September, 1990 requesting that the benefit of higher pay scale, which was extended to Shri Ananda Rao and Shri Machikanna as per the directions of this Tribunal should also be made available to him. This was forwarded by the Head of Office to the Director of Training, New Delhi in November, who recommended the case. The Ministry by its letter dated 18th June, 1991 informed the Director, FTI, Bangalore that the request

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of the applicant for the revision of pay scale is being processed in consultation with the Ministry of Finance. After some reminders, since there was no further response, he has filed the present application.

3. We have heard Dr. Nagaraja for the applicant and Shri M-Vasudeva Rao for the respondents.

4. It is common ground that on factual ^{matrix} material, the case is identical with that of S/Shri Andanda Rao and Machi kanna, who are applicants in OA 464 and 465/89. Shri M.Vasudeva Rao however, brings out that the applicant should have waited for a period of six months from the date of filing his representation in September, 90 and then within one year should have approached this Tribunal for redressal. This application filed in April, 94, according to Shri Rao is highly belated and should be dismissed as being barred by limitation. Shri Rao does not dispute that the facts of this case are the same as in OA 464 & 465/89 referred to earlier.

5. We find that pursuant to the decision of this Tribunal in OA 464 & 465/89 rendered on 8.6.90, the applicant made a representation dated 17.9.90, which was forwarded in November, 90. He had been submitting reminders since then. It is true that he could have approached this Tribunal after six months from the date of filing of his representation, ^{However, he} who continues to serve as senior darughtsman ^{and} is drawing his pay in the revised scale corresponding to pre-revised scale of Rs.425-700 and not in the scale ^{of} corresponding ^{scale} of 550-750.

It is, therefore, a continuing cause of action and this case is not barred by limitation.

6. In the light of the foregoing and following the decision in OA 464/89 and 465/89, we order and direct as under:-

- (1) We direct the respondents to grant the applicant the benefit of the OM No.F.5(9)-E-III/82 dated 13.3.84 notionally with effect from 6.5.83 in the higher pre-revised scale of Rs.550-750.
- (2) His pay in the revised scale introduced with effect from 1.1.1986 will be fixed in the revised scale corresponding to the pre-revised scale of Rs.550-750 as per the normal rules.
- (3) The monetary benefit as admissible on the basis of the above pay fixation will be available to the applicant w.e.f. 19.4.93 i.e. one year prior to the date of filing of this application.
- (4) The entire exercise should be completed by the department within three months from the date of receipt of a copy of this order.

With the above observations, the application is finally disposed of with no orders as to costs.



Sd-

TRUE COPY (A.N.VUJJANARADHYA)
MEMBER (J)

Sd-
(V.RAMAKRISHNAN)
MEMBER (A)

Section Officer 27/9
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

REVIEW APPLICATION NO.45/1994
IN
ORIGINAL APPLICATION NO.780/1994

WEDNESDAY, THE FIFTEENTH DAY OF MARCH, 1995

SHRI V.RAMNAKRISHNAN. ...MEMBER (A)
SHRI A.N.VUJJANARADHYA. ...MEMBER (J)

1. The Director,
Foreman Training Institute,
Bangalore-560 022.
2. The Director General of
Employment & Training,
Ministry of Labour,
Govt. of India, New Delhi.
3. Union of India,
represented by Secretary to Govt.,
Department of Labour,
Government of India,
New Delhi. ...Applicants

By A.C.G.S.C. Shri M.V.Rao

Versus

Shri R.S.Manuel,
Aged 43 years,
S/o Shri S.E.Manuel,
142, Lalbagh Road,
Bangalore-560 027. ...Respondent

By Advocate Dr. M.S.Nagaraja

O R D E R
Shri V.Ramakrishnan, Member (A)

We have heard both sides. The main ground adduced by the department for reviewing our order dated 12th September, 94 in OA 780/94 is that implementation of our order may not really be advantageous to the applicant. It is also brought to our notice that the Government has since issued an OM dated 19th October, 94, which has resulted in upgrading the scale of Draftsmen Gr.I to the level of Rs.550-750, notionally with effect from 13.5.82 and actually with effect from 1.11.83. In

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our order, we have given this scale notionally from 6.5.83 and actually from 19.4.93 to the applicant. It has also been contended that giving higher pay scale of Rs.550-750 to the applicant may act to his detriment as this applicant has since been promoted to the level of Maintenance Millright, and under the relevant recruitment rules such promotion is available only to persons in the scale of 425 700.

2. The OM dated 19.10.94 was issued subsequent to our order dated 12th September, 94. The OM dated 19.10.94 extends certain benefits to draftsmen and if the applicant is covered by that OM he will ^{also get the} be benefited. If the implementation of the OM dated 16.11.1994 does not result in reversion of persons promoted as Millright, we do not see as to how our order will result in such consequence. In any case it has not been brought out that there ^{is} an error apparent on the face of the record.

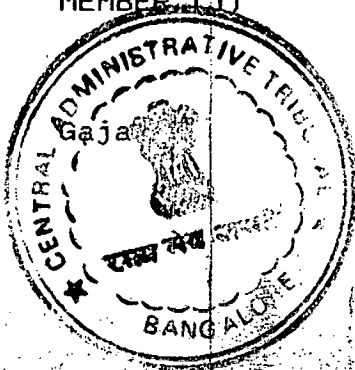
3. In view of the above position, the review application is dismissed.

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(A.N.VUJJANARADHYA)
MEMBER (T)

(V.RAMAKRISHNAN)
MEMBER (A)



TRUE COPY

[Signature]
29/3/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore