

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 2 DEC 1994

Review APPLICATION NO: 99 and 100 of 1994 in
O.A.No.457 and 520 of 1994

APPLICANTS:- Secretary, Ministry of Defence, N Delhi
V/S. and five Others.

RESPONDENTS:- Sri.S.Kadirvelu, Bangalore and another.

T.

1. Sri.G.Shanthappa,
Additional Central Govt.Standing Counsel,
High Court Building, Bangalore-560001.
2. Sri.A.V.Srinivas, Advocate, No.108(107),
Upstairs, Gandhibazar, Bangalore-560004;

Subject:- Forwarding of copies of the Orders 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 25-11-1994.

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issued
on 2/12/94
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for
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

In the Central Administrative Tribunal
Bangalore Bench

Secy. M/o. Defence N. Delhi & or. Y. S. Kadiyvelu

REVIEW Application No. 99 of 1994 & 100/94

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
		<p>PKSVCTVRMA 25/11/94</p> <p><u>ORDER</u></p> <p>Heard</p> <p>No grounds</p> <p>RAs rejected</p> <p>Sd- Member(N)</p> <p>Sd- Vice Chairman</p> <p></p> <p> Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Ann. R-1

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

Dated:- 4 AUG 1994

APPLICATION NUMBER: 457/94 and 520/94

APPLICANTS:

RESPONDENTS:

Sri S. Kadirvelu and another ^{vs} Secretary, Mo Defence and Others
To. N Delhi.

1. Sri A. V. Srinivas, Advocate
No. 107, upstairs, Gandhi Bazaar,
BANGALORE - 560004

2. Sri G. Shanthappa,
Addl. C.G.S.C.
High Court Bldg,
BANGALORE - 560001

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER~~/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 26.07.94.

S. Shanthappa
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 457/94 & 520/ 1994

TUESDAY, THE 26TH DAY OF JULY, 1994

Shri Justice P.K. Shyamaundar

... Vice Chairman

Shri T.V. Ramanan

... Member (A)

1. S. Kadirvelu,
S/o S. Selvaraj,
aged 33 years,
Tracer, Chief Engineer
(Air Force), No.2,
D.C. Area, MES Road,
Yeshwanthpur,
Bangalore - 22.

2. V. Prasanna Rao,
Aged about 55 years,
S/o Sri N. Venkata Rao,
Tracer (TY),
C/o GE (P) (I),
R&D (West),
DRDD Complex,
PO: C.V. Raman Nagar,
Bangalore - 560 093.

... Applicants

(By Advocate Shri A.V. Srinivas)

Vs.

1. The Government of India,
represented by Secretary to the
Government, Ministry of Defence,
New Delhi.

2. The Engineer-in-Chief's,
Kashmir House,
Army Headquarters,
New Delhi - 110 011.

3. The Chief Engineer,
Southern Command,
Pune.

4. The Chief Engineer (P),
R & D, Picket,
Secunderabad - 500 003.

5. Chief Engineer (AF),
No.2, D.C. Area, MES Road,
Yeshwanthpur,
Bangalore - 22.

....2/-



6. Chief Engineer,
CE (P) (I), R&D (West),
DRDO Complex,
C.V. Raman Nagar,
Bangalore - 560 093.

... Respondents

(By Advocate Shri G. Shanthappa, Addl.
Central Govt. Standing Counsel)

O R D E R

Shri T.V. Ramanan, Member (A)

Admit.

2. We have heard the learned counsel for the applicants and the learned standing counsel for the respondents.

3. The simple issue involved in this case is whether the applicants who are Tracers in Military Engineering Service (MES) should be given the benefit of higher pay scale of Rs. 330 - 560 (pre-revised) as allowed by the Bombay Bench (sitting at Nagpur) of this Tribunal in OA No. 138/91 decided on 11.7.91. In that case also similar relief was sought and it was granted. In pursuance of the said judgement, Government of India, Ministry of Defence, issued an order dated 22.1.93 granting benefit of the higher pre-revised pay scale of Rs. 330 - 560 to similarly situated Tracers in MES. We see no reason to disagree with the Judgement of the Bombay Bench of this Tribunal which was implemented by the Ministry of Defence.

4. The objection raised by the standing counsel for the respondents is that the submission of this application is badly delayed. It is not quite relevant in view of what has been observed by the Supreme Court in the case of Indra Pal Yadav vs. Union of India (1986 SCC 526) which is reproduced below:

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"Therefore, those who could not come to the Court need not be at a comparative disadvantage to those who rushed in here. If they are otherwise similarly situated, they are entitled to similar treatment....."

5. In view of the foregoing we accept this application and direct the respondents to grant the pay scale of Rs. 330 - 560 (pre-revised) to the applicants with effect from 13.5.82 on a notional basis and with effect from 1.11.83 on actual basis with all consequential benefits. This direction shall be carried out by the respondents within a period of three months from the date of receipt of a copy of this order. No order as to costs.

Sd-
(T.V. Ramanan)
Member (A)

Sd-
(P.K. Shyamsundar)
Vice Chairman



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Sd-
SECTION OFFICER 4/8
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Anni: R 2

In the Central Administrative Tribunal, Jodhpur Bench,
Jodhpur.

Date of Order: 28.9.93.

O.A. No. 48/92.

A.K. Agnihotri

..Applicant.

Vs.

U.D.I. & others.

..Respondents.

Mr. B.M. Lohra, brief holder for Mr. D.D. Tharvi,
counsel for applicant.

Mr. B.S. Rathore, counsel for respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice Chairman

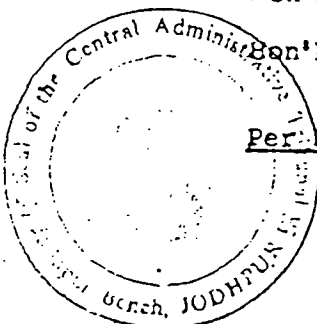
Hon'ble Mr. P.P. Srivastava, Adm. Member.

Per: Hon'ble Mr. Justice D.L. Mehta

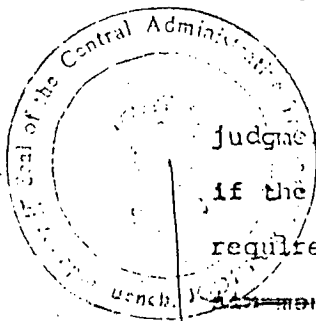
Heard learned counsel for the parties.

Mr. Rathore submits that there is no post of Draftsman Grade III in the M.E.S. However, this fact has not been mentioned in the reply and even this fact has not been controverted in the reply. The learned counsel for the applicant has produced the copy of the judgment of O.A. No. 139/91, A.M. Gadge & others vs. Union of India & others, decided by the Bombay Bench on 11.7.91 and he has also produced the copy of the judgment of the Calcutta Bench, decided on 17.9.87. Further

In the judgment of the Bombay Bench, it has been mentioned that this benefit which has been given to Draftsman in C.P.W.D. was also extended by the Govt. of India to Draftsman working in other



various Departments. As this benefit was not extended to the draftsmen working in M.E.S., these Draftsmen approached various Administrative Tribunals at Calcutta, Hyderabad and Chandigarh and these Tribunals have allowed their applications and directed that the same pay scale may also be given to them as their duties, functions and responsibilities are identical and there appears to be no reason why they should be deprived of the same pay scales when they are doing the same work.



We direct the respondents to consider the judgment and to decide the case of the applicant and if the applicant fulfils ~~the requirements~~ all requirements of qualification and is working within ~~12 months~~ as Draftsman Grade III, then he should be given the same benefits, which has been extended by the Bombay and other ^(and other benches) Benches. D.A. stands disposed of accordingly. No order as to costs.

Sd/
(P.P. Srivastava)
Adm. Member

Sd/
(D.L. Mehta)
Vice Chairman

Attended

Section Officer (Judl.)
Central Administrative Tribunal
Jodhpur Bench, JODHPUR

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Thapvi.

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gsm

Ann. R-2

Copy of Einc's Branch letter No 90237/3949/EIC(3) dated 23 Nov 92.

CA NO 849/92 FILED BY SHRI R VENKATACHARYULU AND 10 OTHERS IN CAT HYDERABAD

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1. Reference this HQ letter No 90237/3949/EIC(3) dated 29 Oct 92 and your H2 letter No 131701/N Venkatacharyulu/EIB(S) dated 30 Oct 92.

2. It is seen from the OA that 7 Tracers are also applicants in said CA. As already explained in our letter No 90237/3353/EIC(3) dated 07 Dec 90. (Vide para 5), the D'Man Gde III does not exist in the MES further the post of D'Man Gde III, existed in CPWD is comparable with D'Man Gde II in MES.

3. The position is further clarified as under :-

(a) As per RRs of D'Man vide SRO 309 of 1971 of MES there are various categories in D'Man Cadre. They are compared with CPWD as below :-

MES (Cadre Structure)

Ferro Printer

Tracer

D'Man Gde II

D'Man Gde I

Sr D'Man

Ch D'Man

CPWD (Cadre Structure)

Ferro Printer

D'Man Gde III (Rs. 1200-2040 after revision).

D'Man Gde II (Rs. 1400-2300)

D'Man I (Rs. 1600-2660)

Ch Estimator

(b) It may be seen that cadre structure of MES D'Man is not similar to CPWD. The variations are in the existance of additional posts of Tracer and Sr D'Man. Further we do not held the post of D'Man Gde III. Therefore comparision of only two posts taken out from the cadre structures because they are identically designated do not stand to logic and hence not correct.

4. Recruitment Rules of Tracer in MES and D'Man-III in CPWD as applicable prior to 21 Apr 92 are given below :-

(a) MES SRO 309 of 1971

Tracer

; 100% promotion from Ferro Printer Matriculates.

(b) CPWD

D'Man Gde III

(Civil & Electrical

Amendment Rules 1977)

95% Direct Rect with certificate or Diploma (Civil)/Elect respectively)

not less than 2 years duration

including practical training of 6 months.

5% by Promotion from Ferro Printer who are matriculated.

The RRs have been brought at par only on 21 Apr 90.

From the above comparison it is evident that the post of D'Man-III in CPWD by virtue of its recruitment qualification was superior to Tracer in MES prior to 21 Apr 90. As such there is no justification for treating both the posts are equivalent. Further there is only a difference in the nomenclature of appointments which is due to different set of organisation and also variations in the RRs of Tracers and hence cannot be made applicable automatically.

5. In view of the above, you are requested to instruct DGNP Vizag to defend the case properly to safeguard Govt interest, failing which there will be lot of repercussion for revision of pay scale of all