

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO.626/97

Date of Decision: 05.02.2002

Shri Philipose Abraham & 3 Ors Applicant(s)
Smt. V.N. Masurkar. Advocate for Applicants

Versus

Union of India & 3 others .. Respondents
Shri S.S. Karkera for Shri P.M. Pradhan. Advocate for Respondent

CORAM: HON'BLE SHRI S.L. JAIN. .. MEMBER (J)
HON'BLE SMT. SHANTA SHASTRY. .. MEMBER (A)

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

In aid of
(SMT. SHANTA SHASTRY)
MEMBER (A)

Gajan

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 626/97

THIS 25TH DAY OF February, 2002

CORAM: HON'BLE SHRI S.L. JAIN. .. MEMBER (J)
HON'BLE SMT. SHANTA SHAstry. .. MEMBER (A)

1. Philipose Abraham,
Scientific Assistant,
O/o Addl. Director
General of Meteorology (Research),
Shivajinagar, Pune-411 005.
2. P.V. Ramachandran,
Senior Observer,
O/o Addl. Director
General of Meteorology (Research),
Shivajinagar,
Pune-411 005.
3. r.V. Talekar,
Scientific Assistant,
O/o Addl. Director General
of Meteorology, (Research),
Shivajinagar, Pune-411 005.
4. V.A. Vaidya,
Senior Observer,
O/o Addl. Director General
of Meteorology (Research),
Shivajinagar, Pune-411 005. .. Applicants

By Advocate Smt. N.V. Masurkar.

Versus

1. Union of India
through the Secretary,
Department of Science and
Technology.
2. The Director General of
Meteorology, Mausam Bhavan,
Lodi Road,
New Delhi-110 003.
3. The Addl. Director General
of Meteorology (Research),
Shivajinagar,
Pune-411 005.
4. The Secretary to the Govt.
of India, Min. of Finance,
Department of Expenditure,
New Delhi. .. Respondents

By Advocate Shri S.S. Karkera for Shri P.M. Pradhan.

...2.

O R D E R

Hon'ble Smt. Shanta Shastry. Member (A)

The applicants are working as Senior Observers in the India Meteorological Department (IMD) of Government of India at Pune. The main cause for the applicants approaching this Tribunal is that the respondents have granted higher pay scale to the draughtsman in the IMD with effect from 13.5.1982 without extending the said benefit to the applicants.

2. The case of the applicants is that the post of draughtsman as well as the post of Senior Observer are the feeder grades for promotion to the post of Scientific Assistant in the department. All along Senior Observers had been drawing the higher pay scale than the draughtsman throughout.

3. Further, similarly placed Senior Observer in the Central Power Water and Research Station (CPWRS) had approached this Tribunal in OA No.380/90 filed by Shri D. Kshirsagar and 10 others and the Tribunal had allowed the same.

4. Also the association of Junior Telecom Engineers in the Telecom Department had represented to their department stating that their pay scale should be raised from Rs.425-700 to Rs.550-900. Since the earlier

recruitment qualification of Diploma in engineering was raised to Degree in Engineering or first class degree in Science in Physics and Mathematics, the Telecom department upgraded their pay scale after duly assessing their grievance. The applicants have cited another case of upgradation of pay scale of Junior Technical Assistant in the Geological Survey of India. Consequent upon the revision of the pay scales of the draughtsman of Geological Survey of India from Rs.1200-2040 to Rs.1400-2300 following the award of the Calcutta Bench of the Tribunal, the pay scales of the Junior Technical Assistant was raised from Rs.1400-2300 to Rs.1600-2660.

5. According to the applicants, they are much better qualified than the draughtsman. The applicants have listed out the duties of the Senior Observer and the duties of the draughtsman and have also given the qualification for both the posts. Even the 5th Pay Commission have recommended higher pay scale to the cadre of Senior Observers as compared to the cadre of draughtsman. Thus, the applicants feel that they should also have been granted the benefit of the impugned order dated 16.5.96 issued by the respondents regarding revision of pay scales of the mechanical draughtsman of IMD.

6. The respondents have opposed the claim. According to the respondents the OM was issued by the

Ministry of Finance on 19th October, 1994. In this OM the pay scale allowed to the draughtsman Grade-I, II & III working in the Central Public Works Department (CPWD) on the basis of the award of the Board of Arbitration, was made applicable to the draughtsman of all the departments of Government of India with specific conditions of service and without insisting on the recruitment qualification being the same as that in the case of CPWD draughtsman. Accordingly, the pay scale of the draughtsmen in the IMD Rs.1200-2040 (pre-revised Rs.330-560) was revised to Rs.1400-2300 and given only to those draughtsman of the department of Director General of Meteorological (Climatology) who had put in five years of service.

7. Though the applicants had made a representation immediately, the respondents decided not to entertain any proposal pertaining to revision of pay scales, allowances etc., in terms of the OM dated 07th February, 1997 issued by the Ministry of Finance pending the decision of the Government of India on the recommendation of 5th Central Pay Commission report. Thereafter, the 5th Pay Commission have recommended the higher scale to the Senior Observer and therefore, the applicants should have no grievance.

8. It is not denied by the respondents that the pay structure of the Senior Observer was never lower

than the pay scale of draughtsman prior to the issuance of OM dated 19.10.94 of the Ministry of Finance. It is further submitted that the revised pay scale given to the draughtsman is not being given to them in wholesome, but is being given with reference to and in the light of the OM dated 19th October, 1994. This is only in the case of those draughtsman who are satisfying the conditions stipulated in the OM. The respondents have further denied that the recommendations of the Committee headed by Dr. Swaminathan in respect of the service conditions of the employees of the Central Power Water Research Station is applicable in the case of the IMD. According to the respondents, the applicants ought not to compare themselves with the draughtsmen as the draughtsmen were given the revised pay scale in view of the award of the Board of Arbitration and the orders of the Ministry of Finance.

9. We have heard the learned counsel for both the sides. It transpires that the Board of Arbitration gave the award recommending the upgradation of the pay scales of the draughtsman in CPWD. The pay scale of the draughtsman Grade III was revised to Rs.425-700 from the then existing scale of Rs.380-560. After the CPWD draughtsman were given the revised pay scales, orders were issued making applicable the revised pay scales to draughtsmen in other departments/Ministries of Government of India with effect from 13.5.1982

notionally and from 01.01.1983 actually. This was vide Finance Ministry's order dated 13.3.1984. Thereafter, a Committee of National Council (JCM) was set up to consider the request of the staff side that the scales of pay allowed to the draughtsman Grade-I, II & III working in CPWD on the basis of award of Board of Arbitration may be extended to draughtsmen Grade -I, II & III irrespective of their recruitment qualification in all Government of India offices. Accordingly, it was decided to extend the benefit granted to the CPWD draughtsmen to all other draughtsmen in offices/departments of Government of India other than in CPWD with effect from 13.5.1982 notionally and actually from 01.11.1983. Based on this, the respondent department issued orders on 16.5.1996 as per Exhibit A1. The applicants have contended that they are better qualified than the draughtsmen in that the Senior Observers have to be B.Sc., with three years Science course after passing Higher Secondary examination, thus putting in 15 years. Whereas, the draughtsman is required only to have passed SSC or HSC and a certificate in Mechanical Draughtsman of two years. It is also contended by the applicants that all along they have been having higher pay scale than the draughtsmen till the impugned orders were issued. It is seen from the comparative statement given by the applicants in para 4.6 of the OA that initially both the Senior Observer and the draughtsman were in the pay scale of

Rs.110-200 at the time of First Pay Commission. In the Second Pay Commission their pay was revised to Rs.140-240 in both the cases. The Third Pay Commission had granted the scale of Rs.330-560 with effect from 01.01.1973 to the draughtsmen. In the case of the applicants, pay was revised to Rs.380-560 with effect from 01.01.1997. Again the Fourth Pay Commission recommended the scale at Rs.1320-2040 with effect from 01.01.1986 for the Senior Observer, whereas for the draughtsmen the recommended scale was Rs.1200-2040. This scale came to be revised to Rs.1400-2300 from 01.11.1983, thus placing the draughtsmen above Senior Observers. It is only after the Third Pay Commission's report that the applicants were granted higher pay scale by the Fourth Pay Commission. As already pointed out the applicants have again been granted higher pay scale than the draughtsmen by the Fifth Pay Commission. We note that the draughtsmen is a separate category and it is not only the draughtsmen in the IMD, but also the draughtsmen in other offices/departments of Government of India, who have been granted the revised scale from 01.9.1982. That was, as a result of award of Board of Arbitration. There was no such award in the case of Senior Observers. Even the case of the Senior Observer in the Central Power Water Research Station cannot be said to be applicable in the present case, because even in that case, a Committee had been set up under one Dr. Swaminathan to study the restructuring of CPWRS. Even

the Fifth Pay Commission has treated the categories of draughtsmen and Senior Observer on a different footing. Therefore, just because the applicants were otherwise getting a higher pay scale than that of the draughtsmen, the applicants cannot be given the benefit extended exclusively to the draughtsmen by the order dated 16.5.1986 of the respondents. Their duties and responsibilities are not comparable. Also the method of recruitment is also different. Further, it is not for this Tribunal to interfere in matters of Pay Scales, Pay Fixation etc., when an Expert Body like Pay Commission has already recommended the higher scale for the applicants. It is not that the Expert Body like Pay Commission had recommended any lower pay scale to the Senior Observer vis-a-vis the draughtsmen even in the past. It is due to the Arbitration award that the draughtsmen came to be granted a revised pay scale which turned out to be higher than that of the Senior Observer during that period. We, therefore, do not find any merit in this OA and accordingly it is dismissed. No costs.

Smt. Shanta Shastri

(SMT. SHANTA SHASTRY)
MEMBER (A)

S.L. Jain

(S.L. JAIN)
MEMBER (J)

Gajan