

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.1122/92

Dt. of order: 4.11.1993

Ghanshyam Das Sindhi

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr.J.K.Kaushik

: Counsel for applicant

Mr.Sukhjeet Singh, Executive Engineer, SO II, Legal and Vigilance, Jaipur, on behalf of respondents.

CORAM:

Hon'ble Mr.Gopal Krishna, Member (Judl.).

Hon'ble Mr.O.P.Sharma, Member (Adm.).

PER HON'BLE MR.GOPAL KRISHNA, MEMBER (JUDL.).

Applicant Ghanshyam Das Sindhi, in this application under Section 19 of the A.Ts Act, 1985, has prayed for a direction to allow C.P.W.D. pay scales to the applicant w.e.f. 1.11.83 in accordance with the Office Memorandum dated 13.4.1984 at Annexure A-1 with all consequential benefits.

2. We have heard the learned counsel for the applicant and the departmental representative on behalf of the respondents and have carefully perused the records.

3. The applicant is holding the post of Draftsman grade II in the office of the Chief Engineer (M.E.S), Jaipur Zone, Jaipur. The applicant has averred that on the basis of an award of the Board of Arbitration with respect to the revision of pay scales of Draftsman Grade I, Grade II and Grade III, working in the Central Public Works Department, the pay scales of these Draftsmen were raised vide Ministry of Finance Memorandum dated 13.3.1984. In the same order, it was decided that the scales of pay of Draftsmen Grade III, II and I in offices/Departments of the Government of India, other than the Central Public Works Department, may be revised provided their recruitment qualifications are similar.

to those in the case of Draftsmen in the C.P.W.D.

It is contended by the applicant that he is fully eligible to get the revised pay scales in pursuance of the said memorandum i.e. notionally w.e.f. 13.5.83 and actually from 1.11.83. It is also contended that the applicant is being given different treatment and is being treated as a different class without any intelligible differentia and the action of the respondents in denying him the benefit of the revised pay scale is discriminatory and as such it is not sustainable as being violative of Articles 14 and 16 of the Constitution. .

4. The application has been contested on behalf of the respondents on the ground that on the date of issue of the Government's letter, the cadre structure as well as the recruitment rules in the two Departments viz C.P.W.D and M.E.S, were different and the benefit of the said Office Memorandum cannot be extended to the applicant.

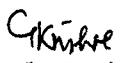
5. The learned counsel for the applicant has placed reliance on a decision of the Calcutta Bench of the Tribunal in O.A.No.8 of 1987, Jatindra Kumar Sapui and Ors. Vs. Engineer-In-Chief, E-in-C's Branch, Army Headquarters & Ors dated 17.9.'87 and on another decision dated 21.6.93 rendered by this Bench of the Tribunal in O.A.No.847/92, Shyam Sunder Vs. Union of India & Ors and on a perusal of these decisions, we find that the present case is squarely covered by them. In view of the position stated above, we allow this application and direct that the applicant shall also be allowed the revised pay scales for Draftsmen

Gkwr in the C.P.W.D. with effect from 1.11.1983 with all

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consequential benefits. The arrears on this count shall be paid to the applicant within a period of 4 months from the date of the receipt of a copy of this order. Parties to bear their own costs.


(O.P.Sharma)
Member(A).


(Gopal Krishna)
Member(J).