

(42)

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 66 of 1989

Date of Decision :

~~Ex-Non~~

Mr. K.N. Chary and 5 others

Petitioner.

Mr. V. Venkateswara Rao

Advocate for the  
petitioner (s)

Versus

Union of India and 2 others

Respondent.

Mr. N. Bhaskar Rao, Addl. CGSC

Advocate for the  
Respondent (s)

**CORAM :**

THE HON'BLE MR. J. Narasimha Murthy, Member (Judl.)

THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgment ? *yes*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *yes*
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

  
HJNM  
M(J)

  
HRBS  
M(A)

(43)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.66 of 1989

DATE OF JUDGMENT: 11-10-1991

BETWEEN:

1. Mr. K.N.Chary
2. Mr. M.Ganesh Rao
3. Mr. T.C.Norbert Dominic
4. Mr. G.Sailu
5. Mr. V.Prabhakaran
6. Smt. Taiyaba Asgar ..

Applicants

AND

1. Union of India represented by  
the Secretary, Ministry of Steel & Mines,  
Dept. of Mines,  
New Delhi.
2. The Director General,  
Geological Survey of India,  
Calcutta.
3. The Deputy Director General,  
Geological Survey of India,  
Southern Regional Office,  
Mukaramjahi Road,  
Hyderabad-500001. ..

Respondents

FOR APPLICANTS: Mr. V.Venkateswara Rao, Advocate

FOR RESPONDENTS: Mr. Naram Bhaskar Rao, Addl. CGSC

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CORAM:

Hon'ble Shri J.Narasimha Murthy, Member (Judl.)

Hon'ble Shri R.Balasubramanian, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE  
SHRI J.NARASIMHA MURTHY, MEMBER (JUDICIAL)

This is a petition filed by the petitioners for a relief to revise their pay scales of Rs.330-560 as Junior Scribers to that of Rs.425-700 with effect from 13.5.1985 notionally and to declare that the petitioners are entitled to the actual benefit of pay fixation in the said scale with effect from 1.11.1983 and further revision to the scale of Rs.1400-2300 (RSRP) with effect from 1.1.1986 or the date of option in individual cases, as was done in the case of the Draftsmen in the grade of Rs.330-560 and quash the letter No.J-11011/11/87-M.2 dated 8.12.1988 and letter No.J.11011/11/87/M.2, dated 19.8.1987 issued by the Ministry of Steel & Mines, Department of Mines, New Delhi, directing the respondents to grant the pay scales of Rs.425-700 ~~and~~ (RS) and Rs.1400-2300 (RSRP) with effect from the respective dates to the applicants herein, with all consequential benefits such as arrears of pay and allowances/fixation of pay etc...  
Brief facts of the case are as follows:-

The petitioners herein are working as Scribers in the Map Printing Division of the Geological Survey of India

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at Hyderabad. The first applicant was initially appointed as Junior Scriber in the pay scale of Rs.330-560 on 25.6.1977. Thereafter, he was promoted as Senior Scriber in the pay scale of Rs.425-640 and he was further promoted as Head Scriber in the pay scale of Rs.550-750. The 2nd applicant was initially appointed as Junior Scriber in the pay scale of Rs.330-560 with effect from 6.4.1976 and was promoted as Senior Scriber in the Pay scale of Rs.425-640. The applicants Nos. 3, 4, 5 and 5 have been appointed as Junior Scribers in the pay scale of Rs.330-560 with effect from 5.7.1979, 18.7.1979, 31.10.1979 and March 1976 respectively. The Map Printing Press of Geological Survey of India, Hyderabad has 3 grades of Scribers viz., Head Scriber, Senior Scriber and Junior Scriber with recruitment rules similar to Senior Technical Assistant (Drawing Office), Junior Technical Assistant (Drawing Office) and Draftsman under Drawing Office stream of the Geological Survey of India. The job performed by the Scriber is similar and identical to the job performed by the Draftsman. The existing recruitment rules for the Scribing stream and the Drawing Office stream posts of the Geological Survey of India are almost identical at the entry points of both the streams i.e., Draftsman in Drawing Office stream and Junior Scriber in the Scribing Stream. The only difference being in the case of Draftsman is Diploma in Draftsmanship with 2/3 years course while practical knowledge in Map drawing is a must for Junior Scriber. The rest of the posts of Drawing Office stream i.e., Junior Technical Assistant and Senior Technical Assistant are promotion posts. Similarly, the posts of Senior Scriber and Head Scriber are also promotion posts. The posts of Draftsman, Junior Technical

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Assistant and Senior Technical Assistant carry the pay scale of Rs.260-400, 330-560 and 425-700 respectively which were subsequently revised. The posts of Junior Scriber and Senior Scriber and Head Scriber carry the scales of Rs.330-560, 425-640 and 550-750 respectively. Thus, the post of Junior Scriber in the Scribing stream carries a higher scale of pay i.e., Rs.330-560 than that of the Draftsman of the Drawing Office stream which was only Rs.260-400. While the basic functions of both the Scriber and Draftsman are similar i.e., map making, there is some difference in the actual process adopted by each. Scribing is a modern and modified version of Draftsmanship employed for the reproduction of high quality maps in print which requires additional skills. The Draftsman in Geological Survey of India is being imparted a special training in Survey of India to enable him to undertake the scribing. In fact, scribing can be done by a Draftsman, only after a specialised training. On the other hand, a Scriber if posted to Drawing Section will be able to perform the duties of a Draftsman, without any training. Draftsmen from Survey of India are brought to Geological Survey of India on deputation to work as Scribes. One such example is Mr. Phoolchand, who was subsequently repatriated.

2. Recognising the fact that Scribing is a most sophisticated function, the initial recruitment to the Scribing stream is made in the pay scale of Rs.330-560 with the designation of Junior Scriber whereas the initial recruit-

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ment to the post of Draftsman in the Drawing Office stream carries the pay scale of Rs.260-400 only. The pay scale of Draftsman has been upgraded from Rs.260-400 to Rs.330-560 following an arbitration award with effect from 13.5.1982 and further revised to Rs.425-700 with effect from 1.11.1983 on the basis of the Central Public Works Department award vide Ministry of Steel & Mines, Department of Mines, letter dated 1.7.1985 and it was implemented by the Director General, Geological Survey of India, Calcutta vide his letter dated 15.10.1985 on the basis of the Government of India Office Memo dated 13.3.1984. As a result, the Draftsman who joined originally in the grade of Rs.260-400 is placed in the grade of Rs.425-700 (Rs.1400-2300 RSRP) whereas the Scribers (Junior) who joined in a higher scale of Rs.330-560 (now Rs.1200-2040 RSRP) remained in lower scale even after 7 to 10 years of service. Thus, a superior post once is now being treated as inferior post.

3. Aggrieved by the denial of revised pay scale of Rs.425-700, the Scribers submitted a representation on 25.3.1986 to the Director General, Geological Survey of India, Calcutta, requesting for grant of revised pay scale on par with the Draftsman stream of the Geological Survey of India on the basis of the CPWD Award, followed by a reminder dated 12.6.1986. Thereafter, the Director General, Geological Survey of India, Calcutta, addressed a letter dated 15.1.1987 to the Ministry of Steel & Mines, Department of Mines, New Delhi, requesting to consider the case of pay disparity between Drawing Office stream and Scribing stream and convey approval at an ~~early~~ early date. Since, ~~to the Director General,~~ there was no reply from the Ministry/ the Scribers of Geological Survey of India submitted a representation to

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the Ministry of Steel & Mines on 16.7.1987 followed by reminders dated 16.11.1987 and 3.3.1988 seeking redressal of their grievance regarding disparity of pay scales of Scriber (Junior) and Draftsman (Junior). No action was taken by the Ministry in the matter. In the meeting held on 15.4.1988 with the Geological Survey of India Employees' Association, a recognised Union, a point was raised regarding non-implementation of the CPWD Award for Scribers. The officials informed that the Ministry clarified vide their letter dated 19.8.1987 that the Scribing stream is not covered under the CPWD Award for Draftsman. The said letter dated 19.8.1987 was not communicated to the applicants so far.

4. The Director General, Geological Survey of India, Calcutta, once again wrote a letter on 25.4.1988 to the Ministry of Steel & Mines to reconsider their stand on the question of extending the benefits of CPWD Award for Draftsman to Scribing stream also but the same was rejected by the Ministry vide their letter dated 8.12.1988. Two ✓ Draftsmen from Calcutta were sent for training in the scribing work vide Office Order dated 21.9.1987. One Draftsman from Lucknow was sent for training in scribing work at Map Printing Division, Hyderabad, vide letter dated 16.6.1988. Though the scribing is considered to be more sophisticated and strenuous work than that of the Draftsmanship, the scribers of Geological Survey of India are not treated on par with the Draftsmen of Geological Survey of India in the matter of grant of pay scales. Though the Scribers discharge the duties of almost similar and identical to that of the Draftsmen of Geological Survey of India, just because they are not designated as Draftsmen, the Scribers

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are discriminated in the matter of pay scales. In fact, there were proposals to merge the cadres of Draftsman and Scriber by the Department.

5. The rejection of the Ministry to grant the pay scale of the Draftsman to the Scribers is not on the ground that they are not entitled to the said pay scales but on the ground that the 4th Central Pay Commission did not recommend. In fact, the required information was furnished to the 4th Pay Commission by the authorities in this regard, but it appears that the matter has been ignored by the Commission on the ground that the information was belated. Therefore, the denial of the said pay scales to the Scribers of Geological Survey of India is violative of Articles 14, 16 and 39(d) of the Constitution of India being arbitrary and discriminatory. Hence, the petitioners filed this petition for the above said relief.

6. The respondents filed a counter with the following contentions:-

The Applicant No.1 was appointed as Head Scriber in Geological Survey of India in the pay scale of Rs.550-750 with effect from 23.11.1977 while the Applicant No.2 was appointed as Scriber (Senior) in the pay scale of Rs.425-640 with effect from 1.4.1976. The other applicants have been appointed as Scribers (Junior) as claimed. The Geological Survey of India is having three grades in its Map Printing Press, Hyderabad viz., Head Scriber, Senior Scriber and Junior Scriber and in its Drawing Stream three grades viz., Senior Technical Assistant (Drawing Office), Junior Technical

Assistant (Drawing Office) and Draftsman. The pay scales and the recruitment rules for each of these cadres are shown in the statement enclosed to the counter. Though there is some similarity in the recruitment rules, insofar as the minimum educational qualifications are concerned, there is significant difference in technical qualifications and experience. The essential technical qualifications for the various grades in the Drawing stream as mentioned in the recruitment rules is sine quanon for recruitment against any post in the stream, whereas there is no such stipulation in the recruitment rules of the Scribing stream. Thus, the Draftsman is more qualified technically than the Scriber ab-initio.

7. With regard to the jobs performed by the ~~Scribers~~ and Draftsmen, it is stated that the job contents of both the streams belong to different specialities and cannot be equated. The Scribing job requires for reproduction of maps by printing while the Draftsman's job requires drawing and preparation of all types of maps to given specifications. Regarding training of Draftsmen in scribing by deputing them to the Survey of India, it is stated that this had become necessary to cope up with the workload in the Map Printing Division and due to shortage of Scribers. As per the recommendations of the II<sup>nd</sup> Pay Commission, the pay scales of Draftsman Grades II and III were fixed at Rs.260-430 but not Rs.240-400 and the pay scales of Draftsman Grade-I was fixed at Rs.330-560. Subsequently, as per the recommendations of the Review Committee, the pay scales of the Draftsman Grade-I, II and III were merged into single scale of Rs.330-560 and designated

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as Draftsman with effect from 20.12.1980. From 1.1.1973, the pay scale of Draftsman has been revised from Rs.330-560 to Rs.425-700 as per the orders of the Ministry of Steel & Mines in letter dated 5.5.1988. Hence, the said order has no relevance to the case of Scribers.

8. On the basis of the representation, the case was referred to the Ministry of Steel & Mines, New Delhi but the same was not accepted by the Ministry. If the individuals have had the access to official correspondence, and have succeeded in obtaining copies of the correspondence by unfair means, they are not expected to make use of the same in support of their case. The information asked for by the IVth Pay Commission was furnished by the office in June 1984. Normally matters relating to equating of different posts and their pay scales have to be left to the Judgment of the expert bodies like Pay Commission. No discrimination has been made to the Scribers as the revision of pay scales of Draftsman was made on the basis of a special award contained in the Ministry of Steel & Mines, Department of Mines letter dated 5.5.1986. There was however no proposal for merger of the cadre of Draftsman with that of the Scriber. The petitioners failed to make out a case for grant of the relief claimed by them and there are no merits in the petition and the petition is liable to be dismissed.

9. Shri V.Venkateswara Rao, learned counsel for the learned applicant and Shri Naram Bhaskar Rao, Addl. CGSC on behalf of the respondents, argued the matter.

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10. The petitioners have been working as Scribers in the Map Printing Division of Geological Survey of India, Hyderabad. There are three grades in the category of Scribers viz., (1) Junior Scribers (2) Senior Scribers and (3) Head Scribers. The intial pay scale of the Junior Scribers is Rs.330-560. The pay scale of the Senior Scriber is Rs.425-640 and the Head Scriber is Rs.550-750.

11. There are three categories of Draftsmen in the same Department viz., Survey of India. They are, Draftsmen Grade-III, Draftsmen Grade-II and Draftsmen Grade-I. Their pay scales are, Draftsmen Grade-III ~~were~~ drawing <sup>pay</sup> in the pay scale of Rs.260-400, Draftsmen Grade-II were drawing pay in the pay scale of Rs.330-560 and the Draftsmen Grade-I were drawing pay in the pay scale of Rs.425-700.

12. Insofar as the pay scales are concerned, <sup>initially</sup> the Scribers were drawing higher scales of pay whereas the Draftsmen were drawing the lower scales of pay. Basing on an Award of Board of Arbitration, the pay scale of the Draftsmen Grade-III was raised from Rs.260-400 to Rs.330-560, Draftsmen Grade-II was raised from Rs.330-560 to Rs.425-700 and the Draftsmen Grade-I was raised from Rs.425-700 to Rs.550-750. Very recently, the pay scales of Draftsmen ~~were~~ further increased on the basis of the Central Public Works Department Award ~~dated~~ with effect from 13.5.1982 raising the pay scale of the Draftsmen Grade from Rs.330-560 to Rs.425-700 whereas the Scribers who were getting pay in the pay scale of Rs.330-560 were originally remained as it is. The Draftsmen <sup>initially</sup> were drawing lesser pay scales than the Scribers because the Government has recognised that the Scribers <sup>work for</sup> are more skillful and pains-taking, so were given higher scales of pay for a petty long time wher

the Draftsmen who ~~executed~~ are diploma holders, they were given lesser scales of pay. The Government recognised the Scribes as superior grade because of the relative merits <sup>in</sup> of the work for them. But all of a sudden, basing on an award, the pay scales of the Draftsmen were made equal to the Scribes and they further raised their pay scales more than the pay scales of the Scribes within a short span of time basing on the CPWD Award. The Government very well knew that the Scribes are higher category, so they were given higher scales of pay in the beginning. When the Draftsmen scales were increased basing on some Awards, the duty <sup>now</sup> goes on the Government to ~~carefully~~ examine <sup>+</sup> listen to the disparity between the Scribes and the Draftsmen. Atleast, the Scribes can be put on equal grade along with the Draftsmen but the Government did not give higher scales of pay to the Scribes. The Scribes made representation to the Department and the Government did not consider the same. The Government itself did not take a decision to increase the pay scales of the Draftsmen. Only basing on the Awards, they increased the pay scales of the Draftsmen and the very Department made a recommendation to the Government about the inequalities in the pay scales of the Draftsmen and the Scribes and they stated that the Scribes are discharging more pains-taking work. They stated while recommending to the Government about the pay scales of the Scribes, that, the Scribing can be done by a Draftsman, only after <sup>a</sup> specialised training and they also stated that the scribing job is pains-taking one and it requires additional skills to work with special tools and hard plastic materials and with constantly focussed artificial light into the Scriber's eyes from beneath their working sheets. They also stated that "it needs no special emphasis that these working conditions continued for long period may tell upon the eyesight of the individuals involved in the scribing work."

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They further stated that ~~in view of their very small numbers~~ <sup>they are very limited in strength</sup> (4 Juniors, 2 Senior and 1 Head Scriber) in the Department vis-a-vis the heavy work load, the Scribers tend to be overburdened with work. So, according to the Department, the Scribers require equal treatment on par with the Draftsmen. The petitioners themselves also contended in their representation to the Secretary to the Government, Department of Mines, New Delhi that their work in the Department is more pains-taking involving long hours of work every day, looking over a power light source below the scribe sheets. They also contended that the scribing work requires additional skills is corroborated by the fact that Draftsmen in Geological Survey of India are being imparted special training in Survey of India to enable them to under-take the scribing. Hence, the Scribers deserve, if not higher benefits, atleast parity with the Draftsmen. In fact Scribers are treated as a step lower than that of the Draftsmen. Recognising the fact that the scribing is a more sophisticated function, the Scribers were originally recruited in the higher pay scale of Rs.330-560 whereas the lowest scale ~~is~~ of Rs.260-400 was given to the Draftsmen. According to the petitioners, the pay scale of Draftsmen was increased to Rs.425-700. So, they requested the Government to treat them on par with the Draftsmen.

13. In this case, the Government, at the inception, placed the Scribers in higher grade than the Draftsmen. After recognising the skill and the ~~risk~~ <sup>arduousness</sup> involved in the work, the Government has fixed higher scales of pay and the Draftsmen were given the lower scales of pay. The Government itself has not gone into the details of the respective duties and works of the two categories of people by appointing a committee on their own accord and they merely based on the Awards given

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

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ORIGINAL APPLICATION NO.66 of 1989

DATE OF JUDGMENT: 11-26-1991

**BETWEEN:**

1. Mr. K.N. Chary
2. Mr. M.Ganesh Rao
3. Mr. T.C.Norbert Dominic
4. Mr. G.Sailu
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### Applicants

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1. Union of India represented by  
the Secretary, Ministry of Steel & Mines,  
Dept. of Mines,  
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2. The Director General,  
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3. The Deputy Director General,  
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Mukaramjahi Road,  
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### Respondents

FOR APPLICANTS: Mr. V. Venkateswara Rao, Advocate

FOR RESPONDENTS: Mr. Naram Bhaskar Rao, Addl. CGSC

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CORAM:

Hon'ble Shri J.Narasimha Murthy, Member (Judl.)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE  
SHRI J.NARASIMHA MURTHY, MEMBER (JUDICIAL)

This is a petition filed by the petitioners for a relief to revise their pay scales of Rs.330-560 as Junior Scribers to that of Rs.425-700 with effect from 13.5.1985 notionally and to declare that the petitioners are entitled to the actual benefit of pay fixation in the said scale with effect from 1.11.1983 and further revision to the scale of Rs.1400-2300 (RSRP) with effect from 1.1.1986 or the date of option in individual cases, as was done in the case of the Draftsmen in the grade of Rs.330-560 and quash the letter No.J-11011/11/87-M.2 dated 8.12.1988 and letter No.J.11011/11/87/M.2, dated 19.8.1987 issued by the Ministry of Steel & Mines, Department of Mines, New Delhi, directing the respondents to grant the pay scales of Rs.425-700 ~~and~~ (RS) and Rs.1400-2300 (RSRP) with effect from the respective dates to the applicants herein, with all consequential benefits such as arrears of pay and allowances/fixation of pay etc...  
Brief facts of the case are as follows:-

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at Hyderabad. The first applicant was initially appointed as Junior Scriber in the pay scale of Rs.330-560 on 25.6.1977. Thereafter, he was promoted as Senior Scriber in the pay scale of Rs.425-640 and he was further promoted as Head Scriber in the pay scale of Rs.550-750. The 2nd applicant was initially appointed as Junior Scriber in the pay scale of Rs.330-560 with effect from 6.4.1976 and was promoted as Senior Scriber in the Pay scale of Rs.425-640. The applicants Nos. 3, 4, 5 and 5 have been appointed as Junior Scribers in the pay scale of Rs.330-560 with effect from 5.7.1979, 18.7.1979, 31.10.1979 and March 1976 respectively. The Map Printing Press of Geological Survey of India, Hyderabad has 3 grades of Scribers viz., Head Scriber, Senior Scriber and Junior Scriber with recruitment rules similar to Senior Technical Assistant (Drawing Office), Junior Technical Assistant (Drawing Office) and Draftsman under Drawing Office stream of the Geological Survey of India. The job performed by the Scriber is similar and identical to the job performed by the Draftsman. The existing recruitment rules for the Scribing stream and the Drawing Office stream posts of the Geological Survey of India are almost identical at the entry points of both the streams i.e., Draftsman in Drawing Office stream and Junior Scriber in the Scribing Stream. The only difference being in the case of Draftsman is Diploma in Draftsmanship with 2/3 years course while practical knowledge in Map drawing is a must for Junior Scriber. The rest of the posts of Drawing Office stream i.e., Junior Technical Assistant and Senior Technical Assistant are promotion posts. Similarly, the posts of Senior Scriber and Head Scriber are also promotion posts. The posts of Draftsman, Junior Technical

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Assistant and Senior Technical Assistant carry the pay scale of Rs.260-400, 330-560 and 425-700 respectively which were subsequently revised. The posts of Junior Scriber and Senior Scriber and Head Scriber carry the scales of Rs.330-560, 425-640 and 550-750 respectively. Thus, the post of Junior Scriber in the Scribing stream carries a higher scale of pay i.e., Rs.330-560 than that of the Draftsman of the Drawing Office stream which was only Rs.260-400. While the basic functions of both the Scriber and Draftsman are similar i.e., map making, there is some difference in the actual process adopted by each. Scribing is a modern and modified version of Draftsmanship employed for the reproduction of high quality maps in print which requires additional skills. The Draftsman in Geological Survey of India is being imparted a special training in Survey of India to enable him to undertake the scribing. In fact, scribing can be done by a Draftsman, only after a specialised training. On the other hand, a Scriber if posted to Drawing Section will be able to perform the duties of a Draftsman, without any training. Draftsmen from Survey of India are brought to Geological Survey of India on deputation to work as Scribes. One such example is Mr. Phoolchand, who was subsequently repatriated.

2. Recognising the fact that Scribing is a most sophisticated function, the initial recruitment to the Scribing stream is made in the pay scale of Rs.330-560 with the designation of Junior Scriber whereas the initial recruit-

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3. Aggrieved by the denial of revised pay scale of Rs.425-700, the Scribers submitted a representation on 25.3.1986 to the Director General, Geological Survey of India, Calcutta, requesting for grant of revised pay scale on par with the Draftsman stream of the Geological Survey of India on the basis of the CPWD Award, followed by a reminder dated 12.6.1986. Thereafter, the Director General, Geological Survey of India, Calcutta, addressed a letter dated 15.1.1987 to the Ministry of Steel & Mines, Department of Mines, New Delhi, requesting to consider the case of pay disparity between Drawing Office stream and Scribing stream and convey approval at an ~~early~~ early date. Since, ~~to the Director General,~~ there was no reply from the Ministry/ the Scribers of Geological Survey of India submitted a representation to

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4. The Director General, Geological Survey of India, Calcutta, once again wrote a letter on 25.4.1988 to the Ministry of Steel & Mines to reconsider their stand on the question of extending the benefits of CPWD Award for Draftsman to Scribing stream also but the same was rejected by the Ministry vide their letter dated 8.12.1988. Two ✓ Draftsmen from Calcutta were sent for training in the scribing work vide Office Order dated 21.9.1987. One Draftsman from Lucknow was sent for training in scribing work at Map Printing Division, Hyderabad, vide letter dated 16.6.1988. Though the scribing is considered to be more sophisticated and strenuous work than that of the Draftsmanship, the scribers of Geological Survey of India are not treated on par with the Draftsmen of Geological Survey of India in the matter of grant of pay scales. Though the Scribers discharge the duties of almost similar and identical to that of the Draftsmen of Geological Survey of India, just because they are not designated as Draftsmen, the Scribers

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5. The rejection of the Ministry to grant the pay scale of the Draftsman to the Scribers is not on the ground that they are not entitled to the said pay scales but on the ground that the 4th Central Pay Commission did not recommend. In fact, the required information was furnished to the 4th Pay Commission by the authorities in this regard, but it appears that the matter has been ignored by the Commission on the ground that the information was belated. Therefore, the denial of the said pay scales to the Scribers of Geological Survey of India is violative of Articles 14, 16 and 39(d) of the Constitution of India being arbitrary and discriminatory. Hence, the petitioners filed this petition for the above said relief.

6. The respondents filed a counter with the following contentions:-

The Applicant No.1 was appointed as Head Scriber in Geological Survey of India in the pay scale of Rs.550-750 with effect from 23.11.1977 while the Applicant No.2 was appointed as Scriber (Senior) in the pay scale of Rs.425-640 with effect from 1.4.1976. The other applicants have been appointed as Scribers (Junior) as claimed. The Geological Survey of India is having three grades in its Map Printing Press, Hyderabad viz., Head Scriber, Senior Scriber and Junior Scriber and in its Drawing Stream three grades viz., Senior Technical Assistant (Drawing Office), Junior Technical

Assistant (Drawing Office) and Draftsman. The pay scales and the recruitment rules for each of these cadres are shown in the statement enclosed to the counter. Though there is some similarity in the recruitment rules, insofar as the minimum educational qualifications are concerned, there is significant difference in technical qualifications and experience. The essential technical qualifications for the various grades in the Drawing stream as mentioned in the recruitment rules is sine quanon for recruitment against any post in the stream, whereas there is no such stipulation in the recruitment rules of the Scribing stream. Thus, the Draftsman is more qualified technically than the Scriber ab-initio.

7. With regard to the jobs performed by the ~~Scribers~~ and Draftsmen, it is stated that the job contents of both the streams belong to different specialities and cannot be equated. The Scribing job requires for reproduction of maps by printing while the Draftsman's job requires drawing and preparation of all types of maps to given specifications. Regarding training of Draftsmen in scribing by deputing them to the Survey of India, it is stated that this had become necessary to cope up with the workload in the Map Printing Division and due to shortage of Scribers. As per the recommendations of the II<sup>nd</sup> Pay Commission, the pay scales of Draftsman Grades II and III were fixed at Rs.260-430 but not Rs.240-400 and the pay scales of Draftsman Grade-I was fixed at Rs.330-560. Subsequently, as per the recommendations of the Review Committee, the pay scales of the Draftsman Grade-I, II and III were merged into single scale of Rs.330-560 and designated

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as Draftsman with effect from 20.12.1980. From 1.1.1973, the pay scale of Draftsman has been revised from Rs.330-560 to Rs.425-700 as per the orders of the Ministry of Steel & Mines in letter dated 5.5.1988. Hence, the said order has no relevance to the case of Scribers.

8. On the basis of the representation, the case was referred to the Ministry of Steel & Mines, New Delhi but the same was not accepted by the Ministry. If the individuals have had the access to official correspondence, and have succeeded in obtaining copies of the correspondence by unfair means, they are not expected to make use of the same in support of their case. The information asked for by the IVth Pay Commission was furnished by the office in June 1984. Normally matters relating to equating of different posts and their pay scales have to be left to the Judgment of the expert bodies like Pay Commission. No discrimination has been made to the Scribers as the revision of pay scales of Draftsman was made on the basis of a special award contained in the Ministry of Steel & Mines, Department of Mines letter dated 5.5.1986. There was however no proposal for merger of the cadre of Draftsman with that of the Scriber. The petitioners failed to make out a case for grant of the relief claimed by them and there are no merits in the petition and the petition is liable to be dismissed.

9. Shri V.Venkateswara Rao, learned counsel for the learned applicant and Shri Naram Bhaskar Rao, Addl. CGSC on behalf of the respondents, argued the matter.

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10. The petitioners have been working as Scribers in the Map Printing Division of Geological Survey of India, Hyderabad. There are three grades in the category of Scribers viz., (1) Junior Scribers (2) Senior Scribers and (3) Head Scribers. The intial pay scale of the Junior Scribers is Rs.330-560. The pay scale of the Senior Scriber is Rs.425-640 and the Head Scriber is Rs.550-750.

11. There are three categories of Draftsmen in the same Department viz., Survey of India. They are, Draftsmen Grade-III, Draftsmen Grade-II and Draftsmen Grade-I. Their pay scales are, Draftsmen Grade-III ~~were~~ drawing <sup>pay</sup> in the pay scale of Rs.260-400, Draftsmen Grade-II were drawing pay in the pay scale of Rs.330-560 and the Draftsmen Grade-I were drawing pay in the pay scale of Rs.425-700.

12. Insofar as the pay scales are concerned, <sup>initially</sup> the Scribers were drawing higher scales of pay whereas the Draftsmen were drawing the lower scales of pay. Basing on an Award of Board of Arbitration, the pay scale of the Draftsmen Grade-III was raised from Rs.260-400 to Rs.330-560, Draftsmen Grade-II was raised from Rs.330-560 to Rs.425-700 and the Draftsmen Grade-I was raised from Rs.425-700 to Rs.550-750. Very recently, the pay scales of Draftsmen ~~were~~ further increased on the basis of the Central Public Works Department Award ~~dated~~ with effect from 13.5.1982 raising the pay scale of the Draftsmen Grade from Rs.330-560 to Rs.425-700 whereas the Scribers who were getting pay in the pay scale of Rs.330-560 were originally remained as it is. The Draftsmen <sup>initially</sup> were drawing lesser pay scales than the Scribers because the Government has recognised that the Scribers <sup>work for</sup> are more skillful and pains-taking, so were given higher scales of pay for a petty long time wher

the Draftsmen who ~~executed~~ are diploma holders, they were given lesser scales of pay. The Government recognised the Scribes as superior grade because of the relative merits <sup>in</sup> of the work ~~for them~~. But all of a sudden, basing on an award, the pay scales of the Draftsmen were made equal to the Scribes and they further raised their pay scales more than the pay scales of the Scribes within a short span of time basing on the CPWD Award. The Government very well knew that the Scribes are higher category, so they were given higher scales of pay in the beginning. When the Draftsmen scales were increased basing on some Awards, the duty <sup>now</sup> goes on the Government to ~~carefully~~ <sup>now</sup> examine ~~listen to~~ the disparity between the Scribes and the Draftsmen. Atleast, the Scribes can be put on equal grade along with the Draftsmen but the Government did not give higher scales of pay to the Scribes. The Scribes made representation to the Department and the Government did not consider the same. The Government itself did not take a decision to increase the pay scales of the Draftsmen. Only basing on the Awards, they increased the pay scales of the Draftsmen and the very Department made a recommendation to the Government about the inequalities in the pay scales of the Draftsmen and the Scribes and they stated that the Scribes are discharging more pains-taking work. They stated while recommending to the Government about the pay scales of the Scribes, that, the Scribing can be done by a Draftsman, only after <sup>a</sup> specialised training and they also stated that the scribing job is pains-taking one and it requires additional skills to work with special tools and hard plastic materials and with constantly focussed artificial light into the Scriber's eyes from beneath their working sheets. They also stated that "it needs no special emphasis that these working conditions continued for long period may tell upon the eyesight of the individuals involved in the scribing work."

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They further stated that ~~in view of their very small numbers~~ <sup>they are very limited in strength</sup> (4 Juniors, 2 Senior and 1 Head Scriber) in the Department vis-a-vis the heavy work load, the Scribers tend to be overburdened with work. So, according to the Department, the Scribers require equal treatment on par with the Draftsmen. The petitioners themselves also contended in their representation to the Secretary to the Government, Department of Mines, New Delhi that their work in the Department is more pains-taking involving long hours of work every day, looking over a power light source below the scribe sheets. They also contended that the scribing work requires additional skills is corroborated by the fact that Draftsmen in Geological Survey of India are being imparted special training in Survey of India to enable them to under-take the scribing. Hence, the Scribers deserve, if not higher benefits, atleast parity with the Draftsmen. In fact Scribers are treated as a step lower than that of the Draftsmen. Recognising the fact that the scribing is a more sophisticated function, the Scribers were originally recruited in the higher pay scale of Rs.330-560 whereas the lowest scale ~~is~~ of Rs.260-400 was given to the Draftsmen. According to the petitioners, the pay scale of Draftsmen was increased to Rs.425-700. So, they requested the Government to treat them on par with the Draftsmen.

13. In this case, the Government, at the inception, placed the Scribers in higher grade than the Draftsmen. After recognising the skill and the ~~risk~~ <sup>arduousness</sup> involved in the work, the Government has fixed higher scales of pay and the Draftsmen were given the lower scales of pay. The Government itself has not gone into the details of the respective duties and works of the two categories of people by appointing a committee on their own accord and they merely based on the Awards given

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M.A. S.R.No.2695/94  
O.A.No.66/1989

ORDER

As per Hon'ble Sri A.V. Haridasan, Member(J)

Heard Shri V. Venkateswar Rao, learned counsel for the applicant.

2. At the request of the applicant's counsel, that the applicant may be permitted to withdraw this application without prejudice to claim the relief sought for in this O.A. directly from the respondents. With such observation, the M.A. is dismissed as not pressed. No costs.

( A.B. Gorthi )  
Member (A)

( A.V. Haridasan )  
Member (J)

Dated 21-11-1994  
Open Court Dictation.

Deputy Registrar (J)

• Copy to:-

kmv

1. Secretary, Ministry of Steel & Mines, Dept. of Mines, Union of India, Shastry Bhawan, New Delhi.
2. The Director General, Geological Survey of India, 27, Jawaharlal Nehru road, Calcutta.
3. The Dy. Director General Geological Survey of India, Southern Regional Office, Mukaramjahi road, Hyd-1.
4. One copy to Sri. V. Venkateswara Rao, Advocate, CAT, Hyd.
5. One copy to Sri. \_\_\_\_\_ Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

R sm/-