

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT : HYDERABAD

of 1990

Date of Order: 13-3-1990

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Between:

- 1.S.V.Ramachandra Raju
- 2.Smt.A.Prema Latha
- 3.Smt.Y.Subhashini
- 4.Smt.P.Lakshmi Kumari
- 5.Kum.V.Sobha
- 6.Smt.I.Nagaratnam
- 7.Kum.H.PadmaVati
- 8.G.Gurucharan
- 9.K.P.R.Reddy
- 10.VVNR Vijaya Kumar
- 11.Smt.P.Sujata
- 12.Smt.K.Sarojini Devi
- 13.M.Ramachandra Kapardhi
- 14.Smt.K.PadmaVathi
- 15.S.M.Kamal Basha
- 16.Smt.S.Annapurna
- 17.Smt.K.Suvarchala ^{Ques}
- 18.R.Raja Gopala Raju
- 19.Smt.Y.Kameswari

Applicants

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and

- 1.Union of India represented by
The Secretary to Govt., Ministry
of Defence, New Delhi.
- 2.The Engineer-in-Chief, Army Head
Quarters, New Delhi.
- 3.The Chief Engineer, Southern Command,
Pune.
- 4.The Director-General, Naval Project,
Visakhapatnam.
- 5.The Chief Engineer, Dry Docks &
Visakhapatnam Zone, Visakhapatnam.

Respondents

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Appearance:

For the Applicants : Shri K.S.R.Anjaneyulu, Advocate.

For the Respondents : Shri Naram Bhaskara Rao, Additional
Central Govt.Standing Counsel

CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D.SURYA RAO, MEMBER (JUDICIAL).

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1. The applicants herein are Draughtsman Gr.I in the M.E.S. (Director-General, Naval Project, and Chief Engineer, Dry Dock, Visakhapatnam). They all come under Chief Engineer, Southern Command, Pune. They have filed this Application seeking a direction to the respondents to grant them the pay scale of Rs.550--750 with effect from 1.11.1983 with all consequential benefits.
2. The applicants state that on 20.6.1980 there was an award of Board of Arbitration with respect to the revision of pay scales of Draughtsman, Gr.I, Gr.II and Gr.III of the C.P.W.D. The pay scales enjoyed by the Grades I & II of Draughtsman in the C.P.W.D. were identical to the grades of Draughtsman in the M.E.S. The revised pay scale, ^{on the} ~~on the basis of award of~~ ^{of} ~~basis of award of~~ Grade.I Draughtsman was raised to Rs.550--750. The President of India decided that the pay scales awarded to the C.P.W.D. Draughtsman would be extended to all Draughtsman in similar grades working in other offices and departments of the Government of India provided their recruitment qualifications are similar to those prescribed in the case of C.P.W.D.
3. The applicants state that similarly placed Grade-I Draughtsman working in M.E.S. at Chandigarh have filed O.A. No.753/PB of 1988 in the Central Administrative Tribunal, Chandigarh Bench, claiming the scale of pay of Rs.550--750 w.e.f. 1.11.1983. The Chandigarh Bench relied on the Judgment of the Calcutta Bench in O.A.No.8 of 1987 and allowed the said O.A. The SLP filed by the respondent against the decision of the Calcutta Bench has been dismissed by the Supreme Court on 20-4-1989. The applicants state that they are

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also entitled to the same scale of pay as was given to the M.E.S. employees, who had filed applications in the Chandigarh and Calcutta Benches of this Tribunal.

4. The applicants further state that their Association had submitted a representation dated 21.10.1989 to the Chief Engineer, Southern Command, Pune, for giving them the benefit which was given to the similarly placed employees covered by the decisions given by Calcutta Bench and also Chandigarh Bench of the Central Administrative Tribunal. However, there was no reply. They have therefore filed this application.

5. We have heard the learned Counsel for the applicants, Shri K.S.R.Anjaneyulu, and the learned Addl.Central Govt. Standing Counsel, Shri Naram Bhaskara Rao, for the respondents.

6. Shri Naram Bhaskara Rao, learned Standing Counsel for Respondents, raised preliminary objections relating to limitation as also on merits. The question of limitation was considered by the Chandigarh Bench in O.A.No.753/PB/88, wherein it was stated as follows:-

" As regards the plea of limitation put forward by the respondents, it would be pertinent to mention that it is a case of recurring cause of action. The applicants have grievance at the end of every month when they are paid less than what they claim on the basis of parity. It is, thus, evident that cause of action arises to the applicants at the end of every month. That being so, the plea of limitation put forward by the respondents cannot be sustained. "

On the same analogy the plea put forward by the learned Counsel for the respondents in regard to limitation is rejected.

7. In so far as the merit of the case is concerned, there is no dispute that the applicants are holding the same posts in the M.E.S. in Visakhapatnam as those in the M.E.S. at

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Chandigarh. The decisions of the Chandigarh and Calcutta Benches are therefore applicable to the facts of the present case.

8. In the result the applicants are entitled to the reliefs claimed. The respondents are directed to grant the pay scale of Rs.550--750 to the applicants with effect from 1-11-1983 with all consequential benefits. The respondents are directed to comply with this order within a period of 3 months from the date of receipt of this order.

With the above direction, the application is allowed.
No order as to costs.

(Dictated in Open Court)

B.N.Jayasimha
(B.N.JAYASIMHA)

VICE-CHAIRMAN

D.Surya Rao
(D.SURYA RAO)
MEMBER (JUDICIAL)

T. Venkatesh
Date: 13-3-1990
DEPUTY REGISTRAR (A).

To

1. The Secretary to Government, Union of India, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Army Head Quarters, New Delhi.
3. The Chief Engineer, Southern Command, Pune.
4. The Director General, Naval Project, Visakhapatnam.
5. The Chief Engineer, Dry Docks & Visakhapatnam Zone, Visakhapatnam.
6. One copy to Mr.K.S.R.Anjaneyulu, Advocate, 1-1-365/A, Jawaharnagar Bakaram, Hyderabad.
7. One copy to Mr.N.Bhaskara Rao, Addl.CGSC, CAT, Hyderabad.
8. One spare copy.

W.M. Dabholkar

Draft by: Checked by: Approved by
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.)
AND
HON'BLE MR.D.SURYA RAO: MEMBER (JUDL)
AND
HON'BLE MR.D.K.CHAKRAVORTY: MEMBER: (A)
AND
HON'BLE MR.J.NARASIMHA MURTHY: MEMBER (J)

DATED: 12.2.90

ORDER/JUDGMENT

M.A./R.A./C.A./No. - - - in
T.A.No. - - - (W.P.No.)

O.A.No. 281/90

Admitted and Interim directions
issued.

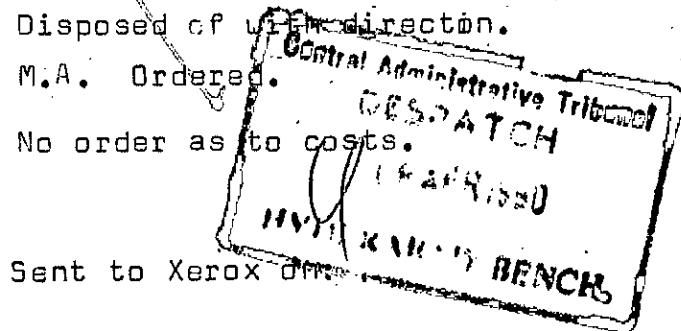
Allowed.

Dismissed.

Disposed of without direction.

M.A. Ordered.

No order as to costs.



[Signature]