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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.918/90.

Date of Decision: 19.7.1991.

1. V.Purnachandra Rao	27.Smt.R.Hema
2. G.R.Ramasubrahmanyam	28.Smt.D.V.Ramana Kumari
3. K.Gangadharan	29.Smt.Y.Padmasree
4. A.Venkata Rao	30.smt.B.Narimani
5. Smt.N.Anandamai	31.Smt.P.V.R.Vijayalakshmi
6. Smt.S.Anantalakshmi	32.Smt.V.S.Sachitra
7. Smt.D.Vijaya Lakshmi	33.Shri K.Maheswara Rao
8. Smt.V.Jayasree	34.Shri N.V.Charyulu
9. Smt.V.V.L.Syamala	35.Shri Ch.Nageswara Rao
10.Smt.V.Saraswati	36.Shri Y.Samarpan Rao
11.Smt.S.Aruna	37.Shri N.Satyanarayana Raju
12.Smt.B.Annapurna	38.Shri B.Rambabu
13.Smt.N.Challayamma	39.Shri D.K.Mohanty
14.Smt.G.Chittitali	40.Smt.K.Usha
15.Smt.Amila Fathima	41.Shri Y.Bhaskara Rao
16.Smt.K.Satyavani	42.Shri T.Adinarayana
17.Kum.S.Satyakala	43.Shri P.T.Rajendra Prasad
18.Smt.R.Krishnaveni	44.Shri P.Subba Rao
19.Smt.D.VAni	45.Shri P.Satyanarayana
20.Smt.G.S.Padma	46.Smt.I.Lakshmi
21.Smt.R.Ramamohini	47.Smt.S.Sarojini
22.Smt.Ch.Rajyalakshmi	
23.Shri P.V.N.Ravi Kumar	
24.Smt.R.Anuradha	
25.Smt.A.Umalatha	
26.Smt.V.Usha Kumari	

.....Applicants

Vs.

Union of India represented by :

1. The Secretary to Government,
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. Chief Engineer Dry Dock &
Visakhapatnam Zone, Visakhapatnam.

.....Respondents

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APPEARENCE

Counsel for the Applicants : Shri K.S.R.Anjaneyulu

Counsel for the Respondents : Shri Naram Bhaskar Rao,
Addl.CGSC

CORAM:

THE HON'BLE SHRI J.NARASIMHA MURTHY : MEMBER (J)

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

(Judgment of the Division Bench delivered
by Hon'ble Shri J.N.Murthy, Member (J)).

1. The applicants 1 to 32, 46, 47 are Draughtsman ^{working as}
Gr.I and the applicants 33 to 45 are Draughtsman Gr.II in
grades of Rs. 425--700 and Rs.330-500 working in the MES
(Director-General, Naval Project and Chief Engineer, Dry
Dock, Visakhapatnam). They have filed this application
seeking a direction to the respondents to grant them the
scales of pay of Rs.550-750 and Rs.425-700 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 and
II Draughtsman in the C.P.W.D. were identical to the grades
of Draughtsman in the M.E.S. The revised pay scales of
Gr.I and Gr.II Draughtsman was on the basis of the award
raised to Rs.550-750 and 425-700. 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 Gr.I and Gr.II Draughtsman working in M.E.S., at Chandigarh, filed O.A.1001-PB of 1988 in the Chandigarh Bench of this Tribunal, claiming the scale of pay of Rs.550-750 and Rs.425-700 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 Respondents against the decision of the Calcutta Bench has been dismissed by the Supreme Court on 20-4-1989. The applicants contend that they are 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 representations 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 Tribunals were returned vide his letter dt.17-9-90.

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5. The respondents filed a counter affidavit and opposed the contentions raised by the applicants in their application.

6. Heard the learned counsel for the applicants, Shri K.S.R.Anjaneyulu and the learned Additional Standing Counsel for the Central Government/Respondents, Shri Naram Bhaskar Rao.

7. The applicants herein 1 to 32, 46 to 47 are working as Draughtsmen Grade-I and the applicants 33 to 45 are working as Draughtsmen Grade-II in the pay scales of Rs.425-700 and Rs.330-500 respectively in the office of the Director General Naval Project, Visakhapatnam and the Chief Engineer Dry Dock Visakhapatnam under the control of the Chief Engineer, Southern Command, Pune. They filed this application seeking a direction to the respondents to grant them the scales of pay of Rs.550-750 and Rs.425-700 respectively with effect from 1.11.1983 with all consequential benefits. There was an Award of Board of Arbitration with respect to the revision of pay scales of Draughtsmen Grade-I, Grade-II and Grade-III of the CPWD. The pay scales enjoyed by the Draughtsmen Grades-I and II in the CPWD were identical to the grades of Draughtsmen in the M.E.S. The pay scales of the Draughtsmen Grade-I and Grade-II were revised to Rs.550-750 and 425-700 on the basis of the Award. The

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President of India decided that the pay scales awarded to the Draughtsmen in CPWD would be extended to all the Draughtsmen in similar grades working in other offices and the Departments of the Government of India provided their recruitment qualifications are similar to those prescribed in the case of CPWD. Similarly placed Draughtsmen Grade-I and Grade-II working in MES at Chandigarh filed O.A.No.1001-PB of 1988 in the Chandigarh Bench of this Tribunal claiming the scale of pay of Rs.550-750 and Rs.425-700 with effect from 1.11.1983 and the Chandigarh Bench allowed the O.A.No.1001-PB of 1988 following the Judgment of the Calcutta Bench in O.A.No.8 of 1987. The SLP filed against the Judgment of the Calcutta Bench has been dismissed by the Supreme Court on 20.4.1989. The applicants contend that they are also entitled to the same scale of pay as was given to the MES employees.

8. Shri N.Bhaskar Rao, learned Additional Standing Counsel for the Central Government/Respondents, raised a preliminary objection 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 held as follows:-

"As regard the plea of limitation put forward by the Respondents, it would be pertinent to mention that it is a

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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 Additional Standing Counsel for the Respondents in regard to limitation is rejected.

9. The applicants state that there was an Award of Board of Arbitration with respect to the revision of pay scales of Draughtsmen Grade-I, Grade-II and Grade-III of the CPWD. The pay scales enjoyed by the Draughtsmen Grades-I and II in the CPWD were identical to the grades of Draughtsmen in the MES. The revised pay scales of the Draughtsmen Grade-I and Grade-II were on the basis of the Award and the pay scales were revised to Rs. 550-750 and 425-700. The President of India decided that the pay scales awarded to the Draughtsmen in CPWD would be extended to all the similar Draughtsmen working in other

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offices and the Departments of the Government of India provided their recruitment qualifications are similar to those prescribed in the case of CPWD. The applicants state that their pay scales also should be revised on par with the other employees who are similarly placed. The petitioners made representations which were not entertained, so, they filed this application. They also filed the Judgments of the Calcutta and Chandigarh Benches of the Tribunal wherein their lordships gave the relief of the revised pay scales to the petitioners in the O.As. The petitioners herein are similarly placed to that of the petitioners in the O.As before the Chandigarh and Calcutta Benches of the Tribunal. Their lordships held that the petitioners therein are entitled to get the pay scales of Rs.550-750 and 425-700 of the Calcutta Bench, according to their grades and against the Judgment/the respondents filed SLP before the Supreme Court which was dismissed. Hence, the Judgment of the Calcutta Bench of the Tribunal became final and so the petitioners are entitled to get their pay scales on par with the petitioners in the O.A.No.8 of 1987 of the Calcutta Bench.

9. In similar cases viz., in O.A.Nos.822/89, dated 14.12.1989 and O.A.No.823/89, dated 14.12.1989, the Hyderabad Bench of the Tribunal while agreeing with the Judgments of the Calcutta and Chandigarh Benches in

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O.A.No.8/87 and O.A.No.753/PB/88, held that the applicants therein were also entitled to the pay scale of Rs.550-750 with effect from 1.11.1983 with all consequential benefits. The petitioners cited another Judgment reported in ATC 1990(12) ~~CAT~~ 296 (Ordnance Clothing Factory Workers Union and another Vs. Secretary, Ministry of Defence and others) wherein the Madras Bench of the Tribunal held as follows:-

"Before parting with this case, we would like to stress once again that the Supreme Court had repeatedly held that when a decision is given by a Tribunal or a Court in favour of some of the employees, all those placed on the same situation should also be given the same benefit. This is a rule which any normal employer would follow. His sense of equity would impel him to extend the same favour to all employees in order to avoid any discontent. He would even have a soft corner in favour of those who did not go to court. At any rate, the matter is now well settled that in order to avoid multiplicity of proceedings, the employers themselves shall apply to

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all employees the principles as settled finally by a judicial body. We shall only refer to one decision of the Supreme Court in Inder Pal Yadav V. Union of India, where the Supreme Court has observed as follows:-

"therefore, those who could ~~should~~ not come to the court need to be at a comparative disadvantage to those who rushed in here. If they are otherwise similarly situated, they are entitled to similar treatment if not by any one else at the hands of this court."

10. So, there are a number of Judgments in support of the claims of the petitioners herein. So, we direct the respondents to pay the same pay scales given to the Draughtsmen in CPWD i.e., Rs.550-750 and Rs.425-700 to the applicants herein also according to their respective grades from 1.11.1983 with all consequential benefits. The

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respondents are directed to implement this order within a period of three months from the date of receipt of this order.

11. The application is accordingly allowed.
There is no order as to costs.

MS

R.Balasubramanian

(J. NARASIMHA MURTHY)
Member (Judl.)

(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 19/7 July, 1991.

826/781
Deputy Registrar (J)

To

1. The Secretary to Government, Union of India, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Army Headquarters, New Delhi.
3. The Chief Engineer, Southern Command, Pune.
4. The Director General, Naval Project, visakhapatnam.
5. The Chief Engineer Dry Dock & Visakhapatnam Zone, visakhapatnam.
6. One copy to Mr. K. S. R. Anjaneyulu, Advocate, CAT. Hyd.
7. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
8. One copy to Hon'ble Mr. J. Narasimha Murty, Member (J) CAT. Hyd.
9. One spare copy.

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Rus
19/7/91

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR

V.C.

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY: M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATED: 10 - 7 - 1991

ORDER JUDGMENT

M.A./R.A./C.A. No.

in

D.A. No. 918(90)

T.A. No.

(W.P. No.

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction. 10-7-91

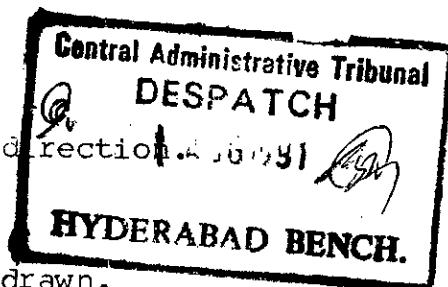
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.



Chandru
DR