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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO. 849/92

DATE OF JUDGMENT: 6-6-95

BETWEEN:

- | | |
|-------------------------|--------------------------|
| 1. N. Venkatacharyulu | 7. T. Siva Shankara Rao |
| 2. D. Venkatapathi raju | 8. P.V. Prasad |
| 3. K. Maheswara Rao | 9. G. Lalitha Kumari |
| 4. P. Durga Prasad | 10. V. Bhaskara Rao, and |
| 5. T. Prakash Rao | 11. T.N. Murthy |
| 6. E. Somaraju | |

... Applicants

and

- Union of India, rep. by
1. The Secretary to Govt.
Min. of Defence, New Delhi
 2. The Engineer-in-Chief
Army HQ, New Delhi
 3. The Chief Engineer
Southern Comman, Pune
 4. The Director General
Naval Project, Visakhapatnam-14
 5. Commander Works Engineer
Visakhapatnam-4
 6. G.E. Dockyard Maintenance
(Independent), Visakhapatnam-14

... Respondents

COUNSEL FOR THE APPLICANT: SHRI K.S.R. Anjaneyulu, Advocate

COUNSEL FOR THE RESPONDENTS: SHRI N.R. Devaraj
Sr./Addl. CGSC

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI (A.B. GORTHI) MEMBER (ADMN.)

CONTD.....

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DA.849/92

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri K.S.R. Anjaneyulu, learned counsel for the applicants and Sri N.R. Devaraj, learned counsel for the respondents.

2. The applicants-1,2,3 and 7 were Draughtsman Gr.II in the Naval Project at Visakhapatnam, while the other applicants are tracers in the same organisation. It is pleaded for the applicants that the tracers discharge the duties similar to the duties discharged by the Draughtsman-C in CPWD, and hence the Tracers in this organisation have to be given the same pay scale which is being given to the Draughtsman Gr.III in the CPWD.

3. The further contention for the applicants-1,2,3 and 7 is that they were promoted as Draughtsman Gr.II from the cadre of Tracers and the duties that are being discharged by Draughtsman Gr.II in this organization are similar to the duties that are being discharged by the Draughtsman Grade II in the CPWD, and on the principle of equal pay for equal work, they have to be given the pay scale of Draughtsman Grade II in the CPWD from the dates from which they worked as Draughtsman and for the earlier period during which they worked as Tracers the pay scale of Draughtsman Gr.III in CPWD had to be made applicable to them.

4. Similar point had come up for consideration before the Bombay Bench of CAT in DA.138/91. The same was disposed of by order dated 11-7-1991 and the relevant portion

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therein is as under :

"Accordingly, we direct the respondents to grant the revised pay scale at par with the Central Public Works Department with effect from 13-5-1982 on notional basis and with effect from 1-11-1983 on actual basis with all consequential benefits...."

5. In para-2 of the said judgement it is observed as under :

"The applicants who are employees of Military Engineering Service under the control of Chief Engineer, Southern Command, Pune, and are working in the cadre of Senior Draughtsman Grade I/II/III, and the post of Draughtsman Gr.III has been redesignated as Tracer."

6. It is not in controversy that these applicants are also employees of Military Engineering Service; but they are working in the DG, Naval Project. It is submitted by the learned counsel for the applicants herein that some of the applicants in OA.138/91 on the file of CAT, Bombay Bench, are Tracers and it is evident from the order No.PC-90237/3547/ETC(3)/71-IC/D.CIV.I) dated 25-1-1993 wherein the revised scale of pay as per pre-revised scales in pursuance of the judgement in OA.138/91, Bombay Bench has ^{been} ordered Rs.330-560 while it ~~was~~ Rs.260-400 for the post of Tracers in the MES. In the reply statement filed on 17-2-93 ~~that was filed~~ in this OA it was stated that as there was no post of Draughtsman Grade III in MES, and as the qualifications for eligibility for consideration for Draughtsman Grade III in CPWD are different from the minimum qualification required for eligibility for ^{appointment} ~~promotion~~ as Tracers ~~are different~~, the

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Tracers in MES are not eligible to claim the pay scale of Draughtsman Gr.III in CPWD. But as in view of the nature of duties of Tracers in MES and those of Draughtsman Grade III in CPWD, and as the designation of Tracers in MES prior to 1966 was Draughtsman Gr.III, and as the promotion of Tracer is to Draughtsman Gr.II in MES while it is a promotion of Draughtsman Gr.III to Draughtsman Gr.II in CPWD, we respectfully agree with the judgement of the order dated 22-11-1991 in OA.138/91 on the file of Bombay Bench and hence on the principle of equal pay for equal work the Tracers in MES ^{have} ~~had~~ to be given the same pay scale which is applicable to Draughtsman Gr.III in the CPWD.

7. Even the respondents had made applicable the pay scale of Draughtsman Gr.II in CPWD to Draughtsman Gr.II in MES.

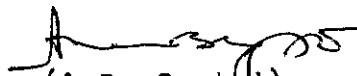
8. Ofcourse, the monetary benefits was directed to be given from 1-11-1983 as per order dated 22-11-1991 in OA. 138/91 ^{on the file of Bombay Bench}. But in all such cases of continuing right, this Bench is restricting the monetary benefit from one year prior to filing of the OA, if the notional benefit had to be given from more than one year prior to filing of the OA. We do not find any reason to deviate from the same in regard to this OA. So, while ordering the notional benefit with effect from 13-5-1982 as ordered by Bombay Bench in OA.138/91, the monetary benefit ~~had~~ to be limited only from 1-10-1991 (this OA ^{was} ~~is~~ filed on 29-1-1992).

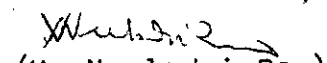
9. In the result, the pay of the applicants 1,2,3 & 7 in the category of Tracers ~~had~~ to be fixed as on 13-5-1982 in the pay scale of Rs.330-560 on notional basis, and ~~on that then~~

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basis their pay^{in the form} scales applicable to Draughtsman Gr.II of CPWD had to be fixed from the respective date of their promotion as Draughtsman Gr.II. The pay of the other applicants had to be notionally fixed in the pay scale of Rs.330-560 (pre revised as on 13-5-1982).

10. The monetary benefit on the basis of the above in regard to all the applicants had to be given from 1-10-91. The OA is ordered accor-dingly./


(A.B. Gorthi)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : June 6, 95
Dictated in Open Court


Deputy Registrar(J)CC

To

1. The Secretary, Union of India,
Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Army Headquarters,
sk New Delhi.
3. The Chief Engineer, Southern Command, Pune.
4. The Director General, Naval Project,
visakhapatnam-14.
5. The Commander Works Engineer,
visakhapatnam-4.
6. The G.E.Dockyard Maintenance (Independent),
visakhapatnam-14.
7. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
8. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
9. One copy to Library, CAT.Hyd.
10. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A. N. D

THE HON'BLE MR. ~~R. BANGARAJAN~~ ^{A. B. Goshli} (M. ADMN)

DATED 6/6 1995.

ORDER/JUDGMENT:

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

OA.No. in

TA.No.

849/92

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No spare copy

