

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 471/96

Date of Order : 24.8.98

BETWEEN :

1. B.Hari Singh
2. D.Ramaswamy
3. K.Muralidhar Rao
4. B.Ramesh
5. K.Gaurishankar
6. G.Sangareddy
7. B.H.V.P.Raju
8. P.Ravi

.. Applicants.

AND

1. The Ordnance Factory Board,  
10-A, Auckland Road, Calcutta  
represented by the Director General,  
of Ordnance Factories.
2. The General Manager,  
Ordnance Factory Project,  
Eddumailaram,  
Dist: Medak.

.. Respondents.

Counsel for the Applicants

.. Mr. P.Naveen Rao

Counsel for the Respondents

.. Mr. N.R.Devraj

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

ORDER

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.P.Naveen Rao, learned counsel for the applicants and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. There are eight applicants in this OA. They pray for fixing their grade as Draughtsman Gr-III given to the CPWD in view of the office memorandum No. F.5(59)-E.III/82, dated 13.3.84 (A-1).

3. The applicants were recruited as Tracers initially. Their educational qualification, date of appointment as Tracer and date of promotion are given in page-2 of the reply. The applicant No.1 joined as a Tracer on 13.9.90 and applicant No.8 joined as Draughtsman on 18.4.94. Applicants 2, 3, 4, 5 joined as Tracers against the dates entered in page-2 of the reply. Applicants 6 and 7 had joined as Blue Printer initially and were promoted as Tracer as per the dates indicated in the reply.

4. O.A.140/92 which was disposed of by this Tribunal on 23.6.93 had held that the Draughtsman who had joined earlier to the promulgation of SRO 14 E and came into effect from 4.5.89 should be placed in the scale of pay of Rs.425-700 equivalent to the scale of pay of Draughtsman Gr-II in the CPWD.

5. The learned counsel for the applicant fairly submitted that the above stipulation will hold good for Draughtsman also who are the applicants herein and those Tracers who are appointed in Ordnance Factory are eligible to be given the scale of pay of Rs.330-560 in accordance with the notification dated 13.3.84. Those who are appointed after the SRO 14E came into effect i.e. w.e.f. 4.5.89 they are not entitled for the scale of pay of Rs.330-560 and they will be governed by the recruitment rules in SRO 14E. Hence the applicants 1 and 8 are not eligible for the

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relief asked for in this OA. Only applicants 2 to 7 are eligible to the relief in this OA. In view of the above submission the OA is restricted to the applicants 2 to 7 in this OA.

6. This OA is filed praying for a declaration that the applicants 2 to 7 are entitled for the scale of pay of Rs.330-560 which is revised to Rs.1200-2040 as ordered in OM dated 13.3.84 and as held by the Hon'ble Supreme Court of India in their judgement dated 20.7.95 in C.A.No. 1433/86 and batch from the date of their appointment as Tracers and for a consequential direction to the respondents to fix their pay in the said scale in the Tracers scale and in the Draughtsman grade in the scale of pay of Rs.1400-2300 from the date of their promotion with all consequential benefits.

7. The main contention of the applicant is that the Tracers appointed in Ordnance Factory should be treated as equivalent to Draughtsman Gr-III of CPWD and hence they are entitled the scale of pay of Rs.330-560 from the day they were appointed as Tracers in Ordnance Factory instead of the scale of pay of Rs.260-400.

8. For the above contention the applicant relies on the judgement of the Supreme Court in C.A.1433/95 ( Union of India and Others Vs. Shri Debashis Kar and others) dated 20.7.95 enclosed as A-7 to the OA. The relevant paragraph on which <sup>they</sup> ~~he~~ base ~~his~~ contention reads as follows :-

"In this context, it would be relevant to mention that as per the pay scales fixed on the basis of report of the First Pay Commission of 1947 there was no difference in the pay scales of Draughtsmen and Tracers on the Ordnance Factories and the pay scales of Draughtsmen and Tracers in C.P.W.D.

Senior Draughtsman in the Ordnance Factories and  
✓ Draughtsman in the C.P.W.D. were placed in the pay

scale of Rs.150-225 Draughtsman in the Ordnance Factories and Assistant Draughtsman in CPWD were placed in the scale of Rs.100-185 and Tracers in Ordnance Factories as well as in C.P.W.D. were placed in the scale of Rs.60-150. On the basis of the report of the Second Pay Commission in 1959 there was a slight modification in the pay scale of Senior Draughtsman in Ordnance Factories. Tracers in the Ordnance Factories and C.P.W.D. were placed in the same pay scale of Rs.110-200 and Draughtsmen in Ordnance Factories and Assistant Draughtsmen C.P.W.D. were placed in the same pay scale of Rs.150-240. Senior Draughtsmen in Ordnance Factories were placed in the pay scale of Rs.205-280 while Draughtsmen in C.P.W.D. were placed in the pay scale of Rs.180-380. By notification dated September 1, 1965, there was change in the designation of posts of drawing office staff in C.P.W.D. and Draughtsman was designated as Draughtsman Grade I, Assistant Draughtsman was designated as Draughtsman Grade II and Tracer was designated as Draughtsman Grade III. Thereafter on the basis of the report of the Third Pay Commission in 1973, Tracer in the Ordnance Factories and Draughtsmen Grade III in CPWD were placed in the same pay scale of Rs.260-430, Draughtsmen in Ordnance Factories and Draughtsmen Grade II in CPWD were placed in the same pay scale of Rs.330-560 and Senior Draughtsmen in Ordnance Factories and the Draughtsmen Grade I in CPWD were placed in the same pay scale of Rs.425-700. This would show that Tracer in Ordnance Factories has all along been treated as equivalent to Tracer/Draughtsman Grade III in CPWD and Draughtsman in Ordnance Factories has all along been treated as equivalent to Assistant Draughtsman/Draughtsman Grade II in CPWD. As a result of the revision of pay scales in CPWD on the basis of the Award of the Board of Arbitration, the pay scale of Draughtsman Grade III was revised to Rs.330-560, while that of Draughtsman Grade II was revised to Rs.425-700 and of similar revision of pay scale to Draughtsmen in Ordnance Factories would result in their being down-graded to the level of Tracer/Draughtsman Grade III in CPWD. Office Memorandum dated March 13, 1984 cannot, in our opinion, be construed as having such an effect."

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9. The learned counsel for the respondents submitted that it is not known whether ~~had~~<sup>been</sup> a decision has taken in regard to the fixation of pay as prayed above in view of the judgement of the Supreme Court. Hence it is necessary that the issue should be left to the department first to decide the issue after going through the Apex Court judgement in the CA referred to above and take a final decision in accordance with the law. If a final decision is taken <sup>and</sup> if on that premise the applicants 2 to 7 are entitled for any arrears they will be governed by the direction given in OA.140/92 decided on 23.6.93 <sup>by</sup> this Tribunal enclosed as Annexure-3 to the reply.

10. In view of the above R-1 is directed to decide the issue on the basis of the Apex Court judgement expeditiously in the case of applicants 2 to 7 but in any case within 3 months from the date of receipt of a copy of the judgement. In case the applicants are denied of the relief then a detailed speaking order should be issued to them in this connection.

11. The OA is ordered accordingly. No costs.

  
( B.S. JAI PARAMESHWAR )

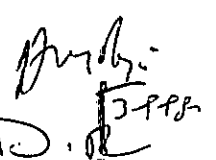
Member (Judl.)  
24.8.98

  
( R. RANGARAJAN )  
Member (Adm.)

Dated : 24 th August, 1998

( Dictated in Open Court )

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D. 24.8.98

DA.471/96

Copy to:-

1. The Director General, Ordnance Factory Board, 10-A, Auckland Road, Calcutta.
2. The General Manager, Ordnance Factory Project, Eddumailaram, Dist., Madak.
3. One copy to Mr.P.Navesn Rao, Advocate, CAT., Hyd.
4. One copy to Mr.N.R.Devaraj, Sr.CSSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

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17/9/98

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II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :  
M(J)

DATED: 24/8/98

ORDER/JUDGMENT

~~M.A./R.A./C.P.NB.~~

in  
C.A. NO. 471/96

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH  
11 SEP 1998  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH