

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.380 of 1997

DATE OF ORDER: December, 1998

BETWEEN:

R.THIMOTHY

.. APPLICANT

AND

- 1. Union of India rep. by its Secretary, Govt. of India, Dept. of Mines, New Delhi,
- 2. The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur-1,
- 3. The Regional Controller of Mines, Indian Bureau of Mines, Govt. of India, Hyderabad,
- 4. The Soil Survey Officer, All India soil and Land Use Survey, 12-5-27/1, Vijayapuri, Secunderabad-17.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.K.K.CHAKRAVARTHY

COUNSEL FOR THE RESPONDENTS: Mr.K.BHASKAR RAO, Adl.CGSC

CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (Judl.)

JUDGEMENT

(ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

None for the applicant. Heard Mr.K.Bhaskar Rao, learned standing counsel for the respondents.

2. The applicant in this OA joined service as Draughtsman under R-4. He became surplus in that organisation and hence he was transferred to the Indian

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Bureau of Mines, Nagpur under R-2 under redeployment scheme and was posted as Draughtsman Gr.II in the scale of pay of Rs.1200-2040 by Govt. of India, Ministry of Personnel and Public Grievances, New Delhi vide letter No.4/27/88-C.S.III, dated 13.4.89. He was issued with the appointment order posting him as Draughtsman Gr.II vide Office Order No.239, dated 15.5.89 and was instructed to report for duty in the office of R-3. The applicant had accepted that posting and after relief from R-4 on 29.6.89, joined under R-3 on 30.5.89 (FN) as Draughtsman Gr.II. The Indian Bureau of Mines, Nagpur vide its order No.297 dated 29/30.6.89 ordered fixation of his pay provisionally at Rs.1200/- per month in the scale of pay of Rs.1200-2040 with effect from 30.5.89 as the applicant's service book and other documents were not received from R-4. It appears that the applicant accepted the same as provisional pay fixation and took salary etc. On 4.4.90, the Ministry of Mines changed the designation of Draughtsman Gr.II as Draughtsman in the scale of pay of Rs.1200-2040, as given in letter No.A-11014/4/(1)/80-Eng, dated 4.4.90 (Annexure A-4 at page 14 to the OA). The Ministry of Finance, Dept. of Expenditure issued OM No.13(1)-IC/91, dated 19.10.94 (Annexure A-5 at page 15 to the OA) revising the pay scale of Draughtsman basing on the Award of Board of Arbitration. As can be seen from the memo dated 19.10.94 that it is in continuation of the earlier OM No.F.5(59)-E.II/82, dated 13.3.84. Though in the earlier memo dated 13.3.84 certain qualification was prescribed for the purpose of upgrading the Draughtsman Gr.III in the scale of pay of Rs.260-430 to Rs.330-560, Draughtsman Gr.II in the scale of pay of Rs.330-560 to Rs.425-700 and the Draughtsman Gr.I in the

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scale of pay of Rs.425-700 to Rs.550-750, it appears from the memo dated 19.10.94 that the Ministry of Finance had extended the revised scales given in the earlier memo dated 13.3.84 on the basis of the Award irrespective of the recruitment qualification in all Govt. of India offices. This memo dated 19.10.94 envisages certain minimum period of service for placement from pre-revised scale to revised scale which appears to equate the qualification to experience acquired by the Draughtsman. As per memo dated 19.10.94, the post carrying the scale of pay of Rs.975-1540 is to be given the scale of Rs.1200-2040 (pre-revised scale Rs.260-430 to Rs.330-560) after the minimum period of service of 7 years. Similarly the post carrying the scale of Rs.1200-2040 is to be revised in the scale of pay of Rs.1400-2300 (pre-revised scale of pay of Rs.330-560 is to be revised in the scale of pay of Rs.425-700) after the minimum period of service of 5 years and the scale of pay of Rs.1400-2300 is to be revised in the scale of pay of Rs.1600-2660 (pre-revised scale of Rs.425-700 to Rs.550-750) after the minimum period of service of 4 years. It is also stated in the memo dated 19.10.94 that once the Draughtsmen were placed in the regular scales as mentioned in para 2 of that memo which has been explained above, further promotions would be made against the available vacancies in the higher grade and in accordance with the normal eligibility criteria laid down in the recruitment rules. This would mean that a Draughtsman who is in the scale of pay of Rs.975-1540 is to be given the scale of pay of Rs.1200-2040 after 7 years. He will be eligible to get higher scale of Rs.1400-2300 on the basis of the vacancies in



the higher grade and in accordance with the normal eligibility criteria laid down in the recruitment rules. Similarly, Draughtmen whose scale of pay is Rs.1200-2040 was replaced to the scale of Rs.1400-2300 after 5 years of service as per OM dated 19.10.94. He will have to be promoted to the next higher scale of Rs.1600-2660 on the basis of the normal recruitment rules and availability of vacancies in the higher grade.

3. The applicant was informed by R-4 by the Office Order No.1-1/AISH/95-96/441/5, dated 12.4.96 (Annexure A-2 at page 12 to the OA) that his pay has been fixed in the revised pay of Rs.1400/- in the pay scale of Rs.1400-2300 with effect from 13.1.89 as he was appointed as Draughtsman on 13.1.84. From this, it appears that the applicant was initially appointed as Draughtsman Gr.II in the scale of pay of Rs.1200-2040 on 13.1.84 and as he had completed 5 years of service on 13.1.89, his pay was fixed in the scale of pay of Rs.1400-2300 in accordance with the memo dated 19.10.94 (Annexure A-5 at page 15 to the OA).

4. The above Office Order dated 12.4.96 at Annexure A-2 issued by R-4 was objected to by the Indian Bureau of Mines where he is presently working, by the impugned order No.A-20012T(854)/89-Adm.NG, dated 18.9.96 (Annexure A-I at page 10 to the OA).

5. This OA is filed for setting aside the impugned order No.A-20012T(854)/89-Adm.NG, dated 18.9.96 issued by the Administrative Officer (NG), Indian Bureau of Mines,

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Nagpur by holding the same as arbitrary, illegal and contrary to the OM dated 19.10.94 (Annexure-5 at page 15 to the OA) and for consequential direction to R-4 to implement the same with effect from 13.1.89 basing on the Office Order No.EA 1-1/AISH/95-96/441/5, dated 12.4.96 of R-4 with all consequential benefits including arrears.

6. Nowhere in the OA or in the reply, it has been clearly stated the grade in which the applicant was initially appointed on 13.1.84. It may be possible that the applicant could have been appointed in the scale of pay of Rs.260-430 or in the scale of pay of Rs.330-560. If the applicant has been appointed in the scale of pay of Rs.330-560 initially, he should be placed in the scale of Rs.425-700 after 5 years of service in the scale of pay of Rs.330-560 i.e, in the revised scale of pay of Rs.1400-2300 equivalent to Rs.425-700 (Pre-revised). If the applicant has been posted initially in the scale of pay of Rs.260-430, he should be placed in the scale of pay of Rs.1200-2040 after 7 years of service in the grade of Rs.260-430, the pre-revised scale for Rs.1200-2040 being Rs.330-560. As stated earlier, the whole issue depends on the pay scale in which the applicant has been posted initially. No further adjudication is necessary except to know the ~~*****~~ ~~*****~~ scale of pay when the applicant was posted as Draughtsman on 13.1.84.

7. In view of the above, following direction is given:-

If the applicant was initially appointed as Draughtsman in the scale of pay of Rs.330-560, his pay

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after 5 years of service in that scale, should be fixed in the scale of pay of Rs.425-700 i.e, Rs.1400-2300 in the revised scale of pay. If so, the order issued by R-4 dated 12.4.96 (Annexure II) stands good. If the applicant was initially posted in the scale of pay of Rs.260-430 on 13.1.84 and was subsequently promoted to the grade of Rs.330-560, then the OM dated 19.10.94 had already been complied with and hence the letter of Indian Bureau of Mines dated 18.9.96 (Annexure I at page 10 to the OA) is to be implemented.

8. The Indian Bureau of Mines, in consultation with R-4, should decide the issue on the basis of the above direction within a period of two months from the date of receipt of a copy of this order.

9. The OA is ordered accordingly. No order as to costs.



(B.S.JAI PARAMESHWAR)
MEMBER (JUDL)

16.12.98



(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: 16th December, 1998

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28/12/98

II COURT

copy to :-

1) D.R. (A)

2) Space

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 PARAMESWAR :
M(J)

DATED: 16/12/98

~~ORDER/JUDGMENT~~

~~MA/R.A./C.P. NO.~~

in
OA. NO. 382/97

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH
22 DEC 1998
HYDERABAD BENCH
HYDERABAD BENCH