

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA no. 41/93 : Date of order 10.8.94

M. Vijay Rajan & Others : Applicants

..... v/s

Union of India & Others : Respondents

Mr. T.P. Sharma : Counsel for the applicants

Mr. Praveen Balwada : Counsel for the respondents.

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Hon'ble Mr. Gopal Krishna, Member (Judicial)

Hon'ble Mr. O.P. Sharma, Member (Administrative)

PER HON'BLE MR. O.P. SHARMA, MEMBER (ADMINISTRATIVE)

S/ Shri Vijay Rajan, R.P. Yadav, Pramod Kumar Sharma, Uma Shanker Sharma, N.K. Verma, Ghanshyam Das Sindhi, Bachhendra Singh, Sudarshan Kumar, Vikas Wadhwani, Govardhan Lal Tiwari, Govardhan Lal, Madhukar Pandya and Babu Lal Verma have filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the respondents may be directed to provide the revised pay scale to the applicants w.e.f. 1.11.83, which has been granted to the employees of the CFWD, with retrospective effect and with all consequential benefits.

2. The applicants are at present working in the office of Chief Engineer MES, Jaipur as Tracers, from various dates between 1981 and 1985. On 26.6.86 there was an award of Board of arbitration with regard to the revision of pay scales of Draftsman Grade I, Draftsman Grade II and Draftsman Grade III of the CFWD. The posts of Draftsman Grade I, Grade II and Grade III in the CFWD are equivalent to those of Draftsman Grade I & II of MES. The applicants are, therefore, entitled to the benefits of scales of pay which are available to Draftsman in the CFWD. Other similarly situated persons have filed OAs before various Bench of the Tribunal challenging the action of the respondents in not granting same scales of pay to Draftsmen

in the MES, which were available to similarly placed Draftsman in the CPWD. The Bombay Bench of the Tribunal had observed that the respondents had unnecessarily deprived the applicants of the benefit of the same scales of pay which were available to the corresponding employees of the CPWD. This observation was made by the Tribunal in their judgement in CA no. 138/91 (A.M. Gadge & Others Vs. Union of India & Others) delivered on 11.7.91.

3. The precise claim of the applicants is that they should be granted the same scales of pay in the MES which has been granted to the Draftsman Grade III in the CPWD.

4. The respondents in their reply have stated that there is a major difference between the work done and qualitative job requirements of the Draftsman Grade III of the CPWD and Tracers working in the MES. At pages 2 & 3 of their reply, they have given details to show the difference in the duties and responsibilities of these posts in the two Departments. They have further stated that no post of Draftsman Grade III exists in the MES.

5. We have heard the learned counsel for the parties and have perused the records of the case.

6. The learned counsel for the applicants has produced before us an order dated 25.1.93 which is a part of the application for taking additional documents on record. In this order passed by the Ministry of Defence, Tracers have been granted scale of pay Rs. 33-560 (Pre-revised) as against scale of pay Rs. 260-400 (pre-revised) granted, earlier in the MES. The learned counsel for the applicants prayed that the same scale Rs. 350-560 may be granted to the applicants. The departmental representative has produced before us a copy of a judgement of Jodhpur Bench of the Tribunal in QA no. 48/92 (A.K. Agnihotri vs. Union of India & Others) delivered on 28.9.93. In this judgement, a note has been taken of judgement of the Bombay Bench of the Tribunal in CA 138/91 (A.M. Gadge & Others Vs. Union of India & Others) which has been relied upon by the learned

counsel for the applicant for seeking an upward revision of pay scales of the applicants. In this judgement of Jodhpur Bench of the Tribunal delivered on 28.9.93, it has been held as follows -

"In the judgement of the Bombay Bench, it has been mentioned that this benefit which has been given to Draftsman in CPWD was also extended by the Government of India to Draftsman working in other various Departments. As this benefit was not extended to the Draftsman working in MES, these Draftsman approached various Administrative Tribunals at Calcutta, Hyderabad and Chandigarh and these Tribunals have allowed their applications and directed that the same pay scale may also be given to them as their duties, functions and responsibilities are identical and there appears to be no reason why they should be deprived of the same pay scales when they are doing the same work.

We direct the respondents to consider the judgement and to decide the case of the applicants and if the applicant fulfils all requirements of qualification and is working as Draftsman Grade III then he should be given the same benefits, which has been extended by Bombay and other Benches. OA stands disposed of accordingly. No order as to costs."

7. In the circumstances of the present case, we are of the view that the decision of the Jodhpur Bench of the Tribunal referred to above should be applied to the cases of the applicants also. In other words, the respondents shall consider the judgement of the Bombay Bench of the Tribunal and if the applicants are performing the duties and responsibilities which are identical with those performed by Draftsman Grade III in the CPWD and are working as Draftsman Grade III in the MES, they should be given the same benefit, which has been granted by the New Bombay of the Tribunal in the case of A.M. Gadge & Others.

8. Necessary action shall be taken by the respondents within a period of four months from the date of receipt of a copy of this order.

9. The OA stands disposed of with no order as to costs.

(O.P. SHARMA)

MEMBER (A)

Gopal Krishna
(GOPAL KRISHNA)

MEMBER (J)