

O.A.No.130/93

Dt. of order: 10.8.1994

Gopal Ram Meena

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr.T.P.Sharma

: Counsel for applicant

Mr.Praveen Balwada

: Counsel for respondents

CORAM:

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

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

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.)

Applicant Gopal Ram Meena in this application under Sec.19 of the Administrative Tribunal Act, 1985, has prayed for a direction to the respondents to provide the revised pay scale to him w.e.f. 1.11.1983 when the same revised scale was granted to the employees of the CPWD.

2. We have heard the learned counsel for the parties and have gone through the records of the case carefully. The applicant is employed as Tracer in the office of the Military Engineering Services (MES) at Alwar. The sum and substance of the applicant's case is that as a result of an award of the Board of Arbitration in regard to the revision of scale of Draughtsman Gr.I, Gr.II and Gr.III of the CPWD, the pay scales enjoyed by the employees of the CPWD on the post of Draughtsman Grades I, II and III are equivalent to that of the employees serving as Draughtsman Grades I & II in the MES and there is no difference in the nature of duties and job responsibilities. The applicant therefore claims parity in pay scale with his counter part in the CPWD on the doctrine of equal pay for equal work. The contention of the respondents is that there is no post of Draughtsman Gr.III and that a Draughtsman Grade III in the CPWD is assigned more duties and responsibilities than the Tracers working in the MES. It is specifically stated that no post of Draughtsman Gr.III exists in the MES.

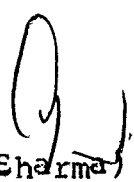
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3. The learned counsel for the respondents has produced before us a decision dated 28.9.93 in O.A. No.48/92 rendered by the Jodhpur Bench of the Tribunal in the case of A.K.Agnihotri Vs. U.O.I & Ors. The relevant portion of the judgment reads as follows:

"In the judgment of the Bombay Bench, it has been mentioned that this benefit which has been given to Draftsman in CPWD was also extended by the Govt. 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 judgment and to decide the case of the applicant and if the applicant fulfils all requirements of qualification and is working as Draftsman Gr.III, then he should be given the same benefits which has been extended by Bombay and other Benches O.A. stands disposed of accordingly. No order as to costs."

4. We, therefore, direct the respondents to decide the case of the applicant in terms of the aforesaid judgment and if the applicant fulfils the requirements of the qualification, etc. and he is presently working as Draftsman Gr.III in the MES, he should be granted the same benefits which have been extended by the New Bombay and other Benches of the Tribunal. Action in this regard shall be taken by the respondents within 4 months from the date of the receipt of a copy of this order. The application is decided accordingly with no order as to costs.


(O.P.Sharma)
Member (A).


(Gopal Krishna)
Member (J).