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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 2/10/2000

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SECTION OFFICER (Judl.)

Bahita

19.12.17

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 210/2000 OF 199Applicant(s) Mrs. Swapna Dey.Respondent(s) Union of India and ors.Advocate for Applicant(s) Mr. M. Chanda,
Mrs. N.D. GopwamiAdvocate for Respondent(s) Mr. G.N. Chakraborty,
C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>FORM NO. 4 G.O. of R. deposited with IPO RD No. <u>45884</u> Dated <u>15.2.2000</u></p> <p><u>14/6/00</u> Notice prepared and sent to D/Sec. for issuing of the reply No 1 to 3. vide D/No <u>1668</u> <u>1670</u> dtd <u>20/6/00</u></p> <p><u>17.7.00</u> There is no bench today Adjourned - 28.7.00.</p> <p><u>28.7.00</u> No bench. Adjourned to 4.9.00</p>	<p>13.6.2000</p> <p>Present : Hon'ble Mr.D.C. Verma, Judicial Member.</p> <p>Heard Mr.M. Chanda, learned counsel for the applicant and Mr.A. Deb Roy, learned Sr.C.G.S.C.</p> <p>Application is admitted. Issue usual notices to the respondents.</p> <p>Written statement to file within 4 weeks.</p> <p>List on 17.7.00 for orders.</p> <p>mk NS 13/6/2000</p>	<p>Member (J)</p>

Notes of the Registry	Date	Order of the Tribunal
<u>13/7/00</u> Notice duly served on Respondents No 1 & 3. <u>18-9-2000</u> Written Statement has been filed by the Respondents No 1, 2, 3. <u>Bolo</u> 10/11/2000 No Rejoinder has been filed. <u>23/11/2000</u> No Rejoinder has been filed. <u>29.11.2001</u> <u>13.2.2001</u> Rejoinder to the written statement has been filed by the applicant. <u>23.03.01</u> Ready for hearing.	4-9-00 10.11.00 pg 24.11.00 nkm 1.2.01 (Shillong) pg 26.3.01 1m 1.5.2001	No Bench Adj. to 10.11.00- 10/11/00 Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman. The respondents have filed written statement. Two weeks time is granted to the applicant for filing rejoinder as prayed for. List on 24.11.2000 for order. Vice-Chairman Written statement has been filed. List it for hearing on 26.3.2001. The applicant may file rejoinder, if any in the meantime. Vice-Chairman List on 26.3.01 as already fixed on the prayer of Mr M.Chanda, learned counsel for the applicant. Member Vice-Chairman On the prayer of learned counsel for the applicant case is adjourned to 1.5.01 for hearing. Member Vice-Chairman List it on 25/5/2001 to enable the applicant to obtain necessary instructions under matter No A.K.J. 1.5.

Notes of the Registry	Date	Order of the Tribunal
<p>The case is ready for hearing.</p> <p><u>By</u> 11.6.01</p>	25.5.2001	<p>Present: Hon'ble Mr Justice A. Agarwal, Chairman</p> <p>Hon'ble Mr K.K. Sharma, Administrative Member.</p> <p>On the prayer of Mr M. Chanda, learned counsel for the applicant, the case is adjourned till 12.6.01.</p> <p>Member Chairman</p> <p><u>By order</u> PSB</p>
	nkm	
	12.6.01	<p>Mr.M.Chanda, learned counsel for the applicant, requests for adjournment on the ground that Pay Commission Report have been obtained and he wants to file it along with affidavit. The case is adjourned for the day.</p> <p>List on 19-6-2001 for hearing.</p> <p><u>K.K. Sharma</u> <u>[Signature]</u> Member Vice-Chairman</p>
	bb 20.6.01	<p>On the request made by Mrs.N.D.Gos- wami on behalf of Mr. M.Chanda, learned counsel for the applicant, the case is adjourned for the day .</p> <p>List/put up on 22-6-2001 for hearing.</p> <p><u>K.K. Sharma</u> <u>[Signature]</u> Member Vice-Chairman</p>
	bb	
	22.6.01	<p>Heard counsel for the parties. Hearing concluded. Judgment reserved.</p> <p><u>K.K. Sharma</u> <u>[Signature]</u> Member Vice-Chairman</p>
	pg	

Notes of the Registry

Date

Order of the Tribunal

28.6.2001

Judgement pronounced in open court, kept in separate sheet. The application is dismissed in terms of the orders. No order as to costs.

20.7.2001

Copy of the Judgt
has been sent to the
Office for issuing
the order to the applicant
as well as to the D.
CGSC for the Respdy
etc

bb

Member

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No.....210..... of 2000.

DATE OF DECISION.....28-6-2001.....

Mrs. Swapna Dey

PETITIONER(S)

Sri J.L.Sarkar, M.Chanda

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri A.Deb Roy, Sr.C.G.S.C

ADVOCATE FOR THE
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

THE HON'BLE MR JUSTICE R.R.K.TRIVEDI, VICE CHAIRMAN

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ? A.F.R. PETITIONER(S)
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?

4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Admn.Member.

RESPONDENT(S)

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 210 of 2000.

Date of Order : This the 28th Day of June, 2001.

The Hon'ble Mr Justice R.R.K.Trivedi, Vice-Chairman.

The Hon'ble Mr K.K.Sharma, Administrative Member.

Mrs Swapna Dey,
Lower Grade Draftsman,
Circle Office under the office
of the Chief postmaster General,
Shillong.

. . . Applicant.

By Advocate S/, Sri J.L.Sarkar, M.Chanda.

- Versus -

1. Union of India,
through the Secretary to the
Government of India,
Ministry of Communication,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-11.

2. Director General,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.

3. Chief postmaster General,
North Eastern Circle,
Department of Posts,
Shillong-793001.

. . . Respondents.

By Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

K.K.SHARMA, ADMN.MEMBER.

In this O.A. under Section 19 of the Administrative Tribunals Act 1985 the applicant has prayed for a direction to grant higher revised scale of Rs.1200-2040/- with effect from 20.2.1987. The claim of the applicant is based on O.M. dated 13.3.1984 and circular dated 25.8.1983. The applicant seeks parity with Grade-III Draftsman of CPWD.

contd..2

lc Wsh

2. We have heard Mr J.L.Sarkar, learned counsel appearing on behalf of the applicant and Mr A.Deb Roy, learned Sr. C.G.S.C for the respondents at length.

3. The applicant was appointed as Lower Grade Draftsman in the pay scale of Rs.975-1540/- (pre-revised scale of Rs. 260-430/-). The applicant was appointed in the office of the Postmaster General, North Eastern Circle, Shillong. It is stated that the applicant came to know that there was no pay scale of Rs.975-1540/- in the cadre of Draftsman in any Central Government establishment. The third and fourth Pay Commission had recommended the following scales for Draftsman.

<u>"3rd Central Pay Commission</u>	<u>4th Central Pay Commission</u>
D/man Gr.I Rs.550-900	Rs. 1640-2900
D/man Gr.II Rs.425-700	Rs. 1400-2300
D/man Gr.III Rs.330-560	Rs. 1200-2040"

The applicant claims that her initial ^{pay} appointment should have been in the scale of Rs.1200-2040/- with effect from her initial appointment on 20.2.1987.

4. This is a second round of litigation. The applicant had earlier approached this Tribunal by filing C.A.260/97, in which order had been passed on 31.8.1999. The facts in brief are that the applicant, in response to an advertisement was a candidate for Lower Grade Draftsman. The appointment letter mentioned her terms of employment as under :

"In pursuance of Directorate's letter No.37-1/87-SPB.I dated 21.1.87 conveying extension of validity of panel drawn on the recommendation of the DPC which met on 27.10.84 Smt.Swapna Dey, an approved candidate, is hereby appointed temporarily as Lower Grade Draftsman in the scale of pay of Rs.975-25-1150-EB-30-1540/-plus other allowances admissible from time to time and posted in Circle Office, Shillong from the date she actually assumes the charge."

The applicant made a number of representations to the respondents stating therein that there was no pay scale

16/11/99

contd..3

of Rs.975-1540/- for Draftsman as on the date of her appointment. In the lowest grade of Draftsman the pay scale was Rs.1200-2040/- . The applicant was given the scale of Rs.1200-2040/- with effect from 20.2.1994 in pursuance to order No.Staff/35/70/85 dated 3.2.1995. The applicant was not satisfied with this order and made representation which was rejected on 4.4.96. The applicant not satisfied with the rejection of the representation approached this Tribunal by filing O.A.260/97, whereby a direction was given to the respondents to consider the representation of the applicant by passing a speaking order. The respondents passed a reasoned order dated 15.3.2000, (Annexure-17 to the O.A.) This order is also challenged by the applicant. The impugned order has been challenged on the ground that the scale of Rs.260-430/- (Rs.975-1540/-) was not in existence. The case of the applicant is covered by O.M. dated 13.3.1984 issued by the Government of India, Ministry of Finance accepting higher revised pay scale of Rs.1200-2040/- to the Draftsman Grade-III. The applicant's qualifications are same with the C.P.W.D Draftsman Grade-III. The criteria of 7 years laid down in the O.M. dated 28.11.94 is not applicable to the applicant's case. The benefit of higher revised scale at par with CPWD Draftsman has been extended to the Draftsman in P&T Civil Circle following the judgment of the Principal Bench of the Central Administrative Tribunal.

5. The case of the applicant is that^U she is covered by the O.M. dated 13.3.84 which is at Annexure-5 to the O.A. As the applicant has placed much reliance on this O.M., the same is re-produced below :

"The undersigned is directed to state that the committee of the National Council (Joint Consultative Machinery) was set up to consider the request of the staff side that

the following revised scales of pay allowed to the Draughtsman Grade-I, II, and III working in Central Public Works Department on the basis of the Award of Board of Arbitration may be extended to Draughtsman Grade-I, II and III in all Government of India offices :-

	<u>"Original scale</u>	<u>Revised scales of the Award</u>
Draughtsman Grade-I	Rs.425-700	Rs. 550-750
Draughtsman Grade-II	Rs.330-560	Rs.425-700
Draughtsman Grade III	Rs.260-430	Rs.530-560"

The President is now pleased to decide that the scale of pay of Draughtsman Grade-I, II, III in the Offices/departments of the Government of India, other than the Central Public Works deptt. may be revised as above provided their recruitment qualifications are similar to those prescribed in the case of Draughtsman in Central Public Works Department. Those who do not fulfil the above recruitment qualification will continue in the ~~re~~ pre-revised scales. The benefit of this revision of scales of pay would be given notionally with effect from 13.5.1982."

The applicant claims that as per this Office Memorandum she is entitled to the same pay scale as applicable to the Draughtsman working in the C.P.W.D. The qualification prescribed for the job to which she was appointed are the same as in the Draughtsman of CPWD. The qualification prescribed for the post of Draughtsman in the case of the applicant as well as CPWD are given below :

<u>"Qualification for the applicant</u>	<u>Qualification for the CPWD Draughtsman</u>
Matriculation with either two years experience in the line in Govt. Deptt. or a Firm of repute or a diploma or Certificate in Civil Engineering or Draughtsman's course recognised by the Govt. of India.	In respect of Draughtsman Grade III (Civil/Mech.) recruitment to fill up vacancies to the extent of 95% is done through the local employment exchange or fresh advertisement as the case may be. The minimum qualification for the post are Diploma in Draughtsman-ship from a recognised Institution and experience of not less than two years duration including practical training of 6 months. Age limit in this case also is 18-25 years."

10 (13/82)

Thus it will be seen that the qualification prescribed for the Draftsman of the CPWD are higher than the qualification required for appointment as Draftsman in the office of the Postmaster General. The CPWD required the minimum qualification of Diploma in Draftsmanship from a recognised Institute and experience of not less than 2 years including practical training of 6 months, while for the Draftsman in the P&T the qualification was Matriculate with either two years experience in Government department or a Diploma or Certificate in Civil Engineering. Thus there was no requirement of two years experience including six months practical training, with diploma, required for appointment in the office of the P.M.G. The claim of parity of the applicant with the Draftsman Grade III in CPWD cannot be accepted. The applicant also claimed that her case is covered by O.M. dated 13.3.1984 (Annexure-5) by which the President was pleased to give a higher scale to the Draftsman Grade-III working in other departments of Central Government. The pay scale of Draftsman Grade-III was revised from Rs.260-430/- to Rs.330-560/- which is corresponding to Rs.1200-2040/-. The part 2 of the O.M. dated 13.3.84 clearly specified that the revised scales have been extended to the Draftsman working in Central Government departments other than CPWD "provided their recruitment qualifications are similar to those prescribed in the case of Draftsman in Central Public Works Department." As seen from the qualifications re-produced above, the qualifications for appointment of lower grade Draftsman in the office of the P.M.G, was not the same as prescribed for the Draftsman Grade-III in CPWD. The O.M. also mentioned that those who do not fulfil the above recruitment qualifications will continue in the pre-revised scale. In view of this the applicant was not entitled to the revised scale of pay, under this O.M. and she was rightly continued in the original pre-revised scale. The

10 (18) contd .6

O.M. dated 13.3.84 was further revised by O.M. dated 19.10.84. This O.M. provides that the CPWD scales of pay allowed to the Draftsman may be extended to the Draftsman irrespective of their recruitment qualification in all Government of India offices, subject to the condition that they had performed qualifying period of service in the grade. The relevant portion of the O.M. is reproduced below :

"The President is now pleased to decide that the Draftsman Grade-I, II and III in offices/ departments of the Government of India other than in CPWD may also be placed in the scales of pay mentioned above subject to the following:

Minimum period of service for placement from : 7 years the post carrying scale of Rs.975-1540/- to Rs.1200-2040 (pre-revised Rs.260-430 to Rs.330-560)."

Thus as per this C.M. the applicant who was in the scale of Rs.260-430/- (Rs.975-1540/-) could be placed in the revised scale of Rs.330-560/- (revised scale of Rs.1200-2040/-) on ^{irrespective of the qualifications} completion of minimum period of 7 years of service. Thus by order dated 17.2.95 the respondents have placed the applicant in the higher scale of Rs.1200-2040/- with effect from 20.2.1994.

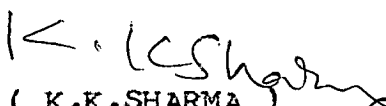
6. As already discussed the applicant made a representation to the respondents and the respondents passed the ^{ed} detail order (Annexure-17). Considering the applicant's case in the order dated 15.3.2000 it has been informed to the applicant that the qualification for the post in which the applicant was appointed is lower than that for the post of Draftsman Grade-III in C.P.W.D and therefore the plea for entitlement to the scale of Rs.1200-2040/- from the date of her appointment is not tenable. The O.M. dated 13.3.84 clearly specified that the revised scale was applicable to the post where the recruitment qualification are similar. As per O.M. dated 19.10.94 the applicant has become entitled to the revised scale of pay of Rs.1200-2040/- on completion of 7 years of service. It is clearly stated

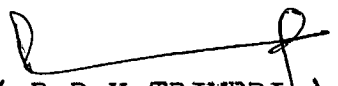
K C Sharma

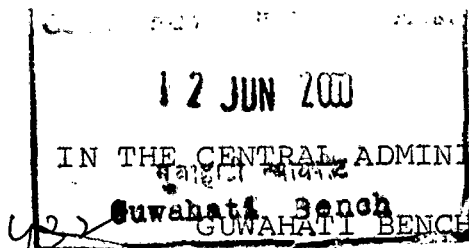
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that the scale of pay of Rs.260-430/- was in existence in February 1997 when the applicant was appointed as a Draftsman. Reliance was placed on behalf of the applicant on the judgment of the Supreme Court in the case of Union of India and others vs. Debashis Kar and others, reported in (1995) 31 ATC 210. This is relating to the pay scale of Draughtsmen working in Ordnance Factories. The judgment also mentioned that the pay scale of Draughtsmen working in CPWD and those Draughtsmen in Army Base Workshop, EME the qualifications for appointment were equivalent and they are entitled to parity in pay. As we have noted above the qualifications prescribed for the Draughtsmen in CPWD were different from those prescribed for the Draftsman in PMG Office. The claim of the applicant that she is entitled to the pay scale prescribed for Draftsman in C.P.W.D is not found acceptable, for the reason that she did not have the qualification prescribed for Draftsman in CPWD. We find no fault in the order dated 15.3.2000 of the respondents. The applicant's case has been properly considered by the respondents and they have given reasons for not accepting the applicant's claim. We find no reason to interfere with the impugned order dated 15.3.2000. The applicant fails and the application is dismissed.

There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(R.R.K.TRIVEDI)
VICE CHAIRMAN



14

(An Application under Section 19 of the Administrative
Tribunals Act, 1985).

Title of the Case : O.A. No. 210/2000

Mrs. Swapna Dey : Applicant

-versus-

Union of India & Ors : Respondents

I N D E X

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Date

Filed by

N. D. Goswami

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

(An Application under Section 19 of the Administrative
Tribunals Act, 1985).

BETWEEN

O.A. No. 210/2000

Mrs. Swapna Dey

Wife of Sri Pranoy Chandra Dey

Working as Lower Grade Draftsman

Office of the Circle Office

under the office of the Chief

Postmaster General

~~Guwahati~~ Shillong

..... Applicant.

-And-

1. Union of India,
through the Secretary to the
Government of India,
Ministry of Communication
Department of Posts,
Dak Bhawan, Samsad Marg,
New Delhi-110011
2. Director General,
Department of Posts,
Dak Bhawan, Samsad Marg,
3. Chief Postmaster General,
North Eastern Circle,
Department of Posts,
Shillong-793001

..... Respondents

Swapna dey

1. Particulars of orders against which this application is made.

This application is made praying for a direction to the respondents to grant higher revised scale of pay of Rs. 330-560 instead of Rs. 260-430 (Revised Rs. 1200-2040) in terms of Presidential Circular issued by the Government of India, Ministry of Finance, Department of Expenditure under Office Memorandum No. F. 5(59-E-III/82 dated 13.3.1984 as because the scale of pay of Rs. 260-430 which was allotted to the applicant on the date of appointment was not in existence in view of the Ministry of Finance O.M. dated 13.3.1984 and also against the impugned order issued under memo No. Staff/35-70/85 (L) dated 15.3.2000.

2. Jurisdiction of the Tribunal

That the applicant declares that this application is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation

That the applicant further declares that this application is within the prescribed period of limitation as per Administrative Tribunals Act, 1985.

4. Facts of the Case

That the applicant is a citizen of India as such she is entitled to all the rights and privileges as guaranteed under the Constitution.

4.2 That the applicant was initially appointed as lower grade Draftsman in the pay scale of Rs. 975-1540 (Pre revised Rs. 260-430) vide Memorandum No.Staff/35/70/85 dated 20.2.1987. The applicant has obtained 2 years diploma in Draftsmanship and she was posted as Lower Grade Draftsman (Civil) in the Circle Office of the Postmaster General, North Eastern Circle, Shillong.

A copy of the appointment letter dated 20.2.87 is annexed hereto and the same is marked as Annexure-1.

4.3 That your applicant immediately after her appointment came to know that there is no pay scale of Rs. 975-1540/- in the cadre of Draftsman in any of the Central Government Establishment like CPWD, Telecom Civil Wing etc., In all the Organisations there are 3 cadres of Draftsman namely, Draftsman Grade I, Draftsman Grade II and Draftsman Grade III and the pay scales of different grades of Draftsman have been recommended by the 3rd and 4th Central Pay Commission and the same was accepted by the Government of India for the Draftsman working in different organisations of the Central Government in the cadre of Draftsman Grade I, Draftsman Grade II and Draftsman Grade III.

3rd Central Pay Commission		4th Central Pay Commission.
D/man Gr.I	Rs.550-900	Rs. 1640-2900
D/man Gr.II	Rs.425-700	Rs.1400-2300
D/man Gr.III	Rs.330-560	Rs.1200-2040

It is pertinent to mention here that even in the department of Postal as well as Telecommunication of the Government of India the Grade III Draftsman has been

placed in the scale of Rs.330-560 on the recommendation of the 3rd Pay Commission and Rs.1200-2040 on the recommendation of the 4th Central Pay Commission with the qualification of 2 years diploma course for Draftsmanship. This is the minimum educational qualification for Grade III Draftsman in almost all the establishments of Central Government. Be it stated that the applicant also equally qualified having two years diploma in the Draftsmanship even then the applicant was placed in the pay scale of Rs. 975-1540 with the designation of Lower Grade Draftsman under the Circle office of the Postmaster General, North Eastern Circle, Shillong. It is ought to be mentioned here that the 4th Pay Commission of the Central Government never recommended the pay scale of Rs. 975-1540/- for any cadre of draftsman having educational qualification for two years diploma in draftsmanship in any of the Central Government establishment. Therefore the respondents arbitrarily have placed the applicant in the scale of pay of Rs. 975-1540/- as a Lower Grade Draftsman which is violative of Article 14 and 16 of the Constitution.

6.4 That your applicant being highly aggrieved with the pay scale of Rs. 975-1540/- in which the applicant was placed preferred a representation addressed to the Postmaster General, North Eastern Circle, Shillong vide her representation dated 16.12.1986 praying for grant of the pay scale of Rs. 1200-2040/- which is applicable to Grade III Draftsman.

A copy of the representation dated 16.12.1986 is annexed hereto and marked as Annexure-2.

6.5 That the applicant begs to state that on number of occasions the applicant approached the authorities for grant of appropriate pay scale of Rs.1200-2040 treating the applicant at par with Grade III Draftsman (Minimum grade in all other Central Government offices) working in the other Central Govt. Departments including Postal, Telecom and C.P.W.D of the Government of India. But unfortunately the respondents did not take any action for grant of appropriate pay scale to the applicant under the total misconception that the applicant is initially appointed in the scale of Rs. 975-1540/- (Prerevised Rs. 260-430) although the impugned scale is not in existence in any Central Government Establishment for Draftsman having recruitment qualification of 2 years diploma for draftsmanship. However, being aggrieved with the existing pay scale the applicant again represented on 3.6.1994 addressed to the Director General, Department of Posts, Samsad Marg, New Delhi wherein the applicant stated that the scale in which the applicant was placed, the corresponding scale of Rs. 260-430 and the said scale was not in existence for Draftsman in any of the Central Government Department which ought to have been pre revised scale of Rs.330-560/- which was subsequently revised by the Central Pay Commission to Rs. 1200-2040 and also pointed out regarding non-consideration of her representation on the ground that she was appointed as a Lower Grade Draftsman. However the said representation was forwarded by the Assistant Postmaster General, N.E. Circle, Shillong to the office of the Director General, Department of Posts, New Delhi vide letter No. Staff/35/70/85 dated

dated 29.11.94 whereby the clarification was sought from the Directorate as to whether the applicant should be placed in the scale of Rs.330-560 with effect from her initial appointment whose corresponding revised scale is at present is Rs. 1200-2040/-.

Copy of the representation dated 3.6.1994 and forwarding letter dated 29.11.1994 is annexed hereto and the same is marked as Annexures 3 and 4 respectively.

4.6 That your applicant begs to state that the Government of India agreed to revise the scale of pay of the Draftsman Gr.I, II and III of the Central Public Works Department following an award of Board of Arbitration ~~as follows~~ as follows :

	Original Scale	Revised Scale
Draftsman Grade I	Rs. 425-700	Rs.550-750
Draftsman Grade II	Rs.330-560	Rs.425-700
Draftsman Grade III	Rs.260-430	Rs.330-560

This benefit of revision of pay scale was given notionally with effect from 13.5.1982 and actual benefit being allowed with effect from 1.11.1983. The Staff side in the National Council of Joint Consultative Machinery requested for pay parity and similar benefit which was granted to the CPWD Draftsman for extension of the same to the Draftsman of other Central Offices, and on the basis of that request Govt. set up a committee of National Council (Joint Consultative Machinery) to consider the request of the staff side and finally agreed and

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recommended to extend the similar benefit of revised pay scale to the Draftsman Gr. I, II and III under Government of India Offices vide Office Memorandum No. F. 5(59)-E.III/82 dated 13.3.1984 issued by the Ministry of Finance, Govt. of India, Department of Expenditure and granted the benefit notionally with effect from 1.11.1983.

However, this benefit is extended only to the Draftsman in other Central Govt. offices provided their recruitment qualification are similar to those prescribed ~~recruitment~~ in the case of Draftsman in C.P.W.D. Therefore the benefit of Office Memorandum dated 13.3.84 was not extended to the present applicant.

It is also stated that the President of India through Office Memorandum dated 13.3.1984 was pleased to decide that the scale of pay of Draftsman of Grade I, II and III in the offices of the Govt. of India, other than the Central Public Works Department may be revised as above provided their recruitment qualification are similar to those prescribed in the case of Draftsman of the Central Public Works Department, those who ^{do not} fulfill the above recruitment qualification would continue in the pre-revised scale, the benefit of the revision of scale of pay would be given notionally with effect from 13.5.1982. It is relevant to mention here that this decision of the President was communicated by the Govt. of India, Ministry of Finance, Department of Expenditure in their Memorandum dated 13.3.1984. The relevant portion of Memorandum dated 13.3.1984 is quoted below :

" 2. The President is now pleased to decide that the scale of pay of Droughtsman Grade I, II

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III in the offices/Public Works Deptt. may be revised as above provided their recruitment qualifications are similar to those prescribed in the case of Draughtsman in Central Public Works Department. Those who do not fulfil the above recruitment qualification will continue in the pre-revised scales. The benefit of this revision of scales of pay would be given Notionally with effect from 13.5.1982."

In view of the above Government of India's decision which is communicated after sanction of the President of India by the Ministry of Finance, Department of Expenditure there is no scale in existence for the Draftsman serving in other Central Government Offices having similar recruitment qualification like the Draftsman of C.P.W.D. and it is now abundantly clear that the applicant who is having similar recruitment qualification and appointed in the cadre of lower Grade Draftsman on 20.2.1987. Therefore there is no pay scale of Rs. 975-1540/- which is corresponding to Rs. 260-430 (Pre-revised). As such the allotment of pay scale of Rs. 975-1540, placing the applicant is highly arbitrary unfair and illegal and especially when there is no sanctioned scale of Ministry of Finance for lower grade Draftsman of Rs. 975-1540. The respondents cannot place the applicant in a non-existent scale ignoring the Presidential sanction communicated through Office Memorandum dated 13.3.1984 issued by the Ministry of Finance, Department of Expenditure, Government of India. It is a fit case for this Hon'ble Tribunal to direct the respondents

Contd....

to place the applicant in the revised scale of pay sanctioned through office Memorandum dated 13.3.84 by the Government of India as the applicant fulfills the conditions laid down in ~~the~~ said Office Memorandum dated 13.3.84 and also be pleased to direct the respondents to revise the pay of the applicant after allotting the same from the initial date of recruitment.

Copy of the Office Memorandum dated 13.3.84 is annexed hereto and marked as Annexure-5.

4.7 That your applicant further begs to state that in terms of the O.M. dated 13.3.84 the Draftsman of different grades working in the different Central Government Establishments demanded the pay parity with corresponding grades of Draftsman of the C.P.W.D. and the some of the employees including Postal and Telecom approached the Principal Bench of the Hon'ble Central Administrative Tribunal, New Delhi demanding parity of the pay scale of Draftsman with CPWD Draftsman.

4.8 That your applicant begs to state that some of the Draftsman of the P & T Civil Wing having similar recruitment qualification like that of applicant approached the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi for pay parity with draftsman of CPWD after grant of higher pay scale to the draftsman of CPWD following the Arbitration Award in the year 1984. The Hon'ble Central Administrative Tribunal, Principal Bench in Original Application No. 1978/88 decided the case in favour of the draftsman serving in the P & T Civil Wing for grant of pay parity at par with the draftsman of CPWD vide its Judgement and order dated 31.7.1992

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which was finally extended by the Telecom Department, office of the Chief General Manager, North Eastern Circle, Shillong vide its letter dated 16.8.93 wherein it is stated that in pursuant to the Judgement and Order of the Central Administrative Tribunal. Principal Bench, New Delhi in O.A. No. 1978/88 filed by the All India P & T Civil Union (Non-gazetted) employees Union Vs. Union of India. Sanction of the Telecom Commission is accorded for revision of pay of Draftsman of P & T Civil Wing as follows :

"Draughtsmen appointed/promoted prior to 1978

The scale of pay of Draughtsmen appointed/promoted the following grades prior to 1978 are revised as follows :

Grade	Revised scale of pay	Pay scale w.e.f.1.1.86
Draftsman Gr.III	Rs.330-560	Rs.1200-2040
Draftsman Gr.II	Rs.425-700	Rs.1400-2300
Draftsman Gr.I	Rs.550-700	Rs.1600-2660

The revised pay scales are admissible to the officials in the three grades notionally w.e.f.22.8.1973 or the dates they were appointed/promoted to the grades, whichever is later. The actual monetary benefit accrues to from 16.11.1978 only".

It is pertinent to mention here that Grade III Draftsman of P & T Civil Wing and the CPWD having similar recruitment qualification like that of the present applicant and the Hon'ble Principal Bench of the Central Administrative Tribunal considering the nature of work and similar recruitment qualification was pleased to order for grant

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of parity to the Draftsman serving in P & T Civil Wing at par with Draftsman serving in C.P.W.D. Draftsman. Therefore denial of this benefit to the present applicant of revised higher pay scale is highly arbitrary and illegal and unfair as the recruitment qualification nature of work of the present applicant who is serving the circle office under the Postmaster General, North Eastern Circle, Shillong and having similar nature of work like those of grade II draftsman working in the P & T Civil Wing of the Telecommunication department.

A copy of the Order dated 16.8.93 is annexed hereto and the same is marked as Annexure-6.

4.9 That the Department of Telecommunication, Govt. of India have introduced three grades of draftsman in the pre-vised pay scale of Rs. 330-560, Rs.425-700, and Rs.550-750 and designated as Draftsman Grades I, II and III respectively. In pursuance of the Courts/CAT Judgement and in view of the representation received from the Draftsman of the Telecom Civil Wing of the department of Telecommunication department and after the case has been examined in consultation with the Ministry of Finance and it is stated in paragraph 2 that the existing draftsman would be placed in the new grades that the draftsmen in the pay scale i.e. Rs.260-430 into draftsman Grade III in the pay scale of Rs.330-560 and higher grade draftsman in the pay scale of Rs. 330-560 into draftsmen Grade II in the pay sale of Rs.425-700 and in case there are more officials in Rs.425-700 grade over and above the ratio indicated above due to implementation of CAT judgements etc. such higher posts will be treated as personal to the

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incumbents and these posts will be downgraded on vacating the same. The relevant portion of the letter bearing No.22-5/92-TE-II dated 23.8.93 is quoted below:

"2. The existing Draftsmen will be placed in the new grades i.e. Draughtsmen in the pay scale of Rs.260-430 into Draughtsmen Grade III in the pay scale of Rs. 330-560 and Higher Grade Draughtsmen in the pay scale of Rs. 330-560 into Draughtsmen in the pay scale of Rs. 425-700. In case there are more officials in Rs.425-700 grade over and above the ratio indicated above due to implementation of CAT judgements, etc. such higher posts will be treated as personal to the incumbents and these posts will be downgraded on his vacating the same."/>

3. In case of Draughtsmen whose pay scales had already been revised earlier in pursuance of CAT judgements but have not derived the same benefit as indicated in this order, they may also be extended the benefit of revision of scales as ordered now.

4. The revised pay scales will be admissible to these officials notionally from 22.8.1973 and actual financial benefit from 16.11.1978 or from the date of their appointment/promotion in each grade whichever is later."

From above, it is crystal clear the Draughtsmen having similar recruitment qualification of 2 years diploma who were serving in the pay scale of Rs.260-430 have been placed in the scale of Rs.330-560 and thereby parity is brought with that of CPWD Draftsmen and

particularly in view of the office memorandum issued by the Government of India dated 13.3.1984. Therefore the applicant who is also similarly situated and having similar recruitment qualification is also legally entitled to be placed in the pay scale of Rs.330-560 (Revised Rs.1200-2040) from the date of her initial appointment i.e. 20.2.1987.

A copy of the letter dated 23.8.93 is annexed hereto and the same is marked as Annexure-7.

4.10 That the applicant begs to state that the office of the Chief Postmaster General, North Eastern Circle vide his letter No. Staff/35/70/85 dated 3.2.1995 had placed the applicant in the higher pay scale of Rs.1200-2040 with effect from 20.2.94 in pursuance of the Directorate Order issued under letter No.23-24/94-P.II dated 28.11.94. In this connection it may be stated that office of the Chief Postmaster General vide their letter No. Est/34-36/84 dated 19.12.94 circulated the copy of the Ministry of Finance, Department of Expenditure New Delhi Office Memorandum issued under letter No. 13(1)-IC/91 dated 19.10.94 which was again circulated under Directorate's letter No. 23-24/94-PE.II dt. 28.11.94 for favour of information and guidance and necessary action whereby the pay scale of draftsman Grade I, II, and III have been revised in all Government India offices on the basis of the award of the Board of Arbitration in the case of Central Public Works Department. The relevant part of the Office Memorandum

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dated 13.3.84 circulated under Ministry of Finance
O.M. dated 28.11.94 is quoted below :

"A copy of the Ministry of Finance (Deptt. of Expenditure) New Delhi letter O.M. No. 13(1)-IC/91 dated 19.10.94 circulated under Dte's No.23-24/94-PE.II dated 28.11.94 is sent herewith for favour of information, guidance and necessary action.

Sd/- Illegible

(S. Shyam)
A.D. (Estt.)
for Chief Postmaster General,
N.E. Circle, Shillong

Copy of Ministry of Finance (Deptt. of Expenditure) New Delhi's letter Number and Subject referred to above.

OFFICE MEMORANDUM

The undersigned is directed to refer to this Department's O.M. No. F.5(59)-E-III/82 dated 13.3.84 on the subject mentioned above and to say that a Committee of the National Council (JCM) was set up to consider the request of the Staff side that the following scales of pay, allowed to the Draughtsmen Grade-I, II and III working in CPWD on the basis of Award of Board of Arbitration, may be extended to Draughtsman Grade I, II & III, irrespective of their recruitment qualification, in all Govt. of India offices.

Original Scale Revised scale on
the basis of the
award.

Draughtsmen Grade-I	Rs. 425-700	Rs. 550-750
Draughtsmen Grade II	Rs. 330-560	Rs. 425-700

Draughtsmen Rs.260-430 Rs.330-560
Grade III

2. The President is now pleased to decide that the Draughtsmen Grade I, II and III in offices/ departments of the Govt. of India other than in C.P.W.D. may also be placed in the scale of pay mentioned above subject to the following :
- (a) Minimum period of service for place- - 7 yrs.
ment from the post carrying scale
of Rs.975-1540 to Rs.1200-2040 (Pre-
revised to Rs. 260-430 to 330-560)
 - (b) Minimum period of service for - 5 yrs.
placement from the post carrying
scale of Rs.1200-2040 to Rs.1400-2300
(pre-revised Rs.330-560 to Rs.425-700).
 - (c) Minimum period of service for - 4 yrs.
placement from the post carrying
scale of Rs.1400-2300 to Rs.1600-
2660 (pre-revised Rs.425-700 to
550-750).
3. Once the Draughtsmen are placed in the regular scales further promotions would be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the recruitment rules.
4. The benefit of this revision of scales of pay would be given with effect from 13.5.82 notionally and actually from 1.11.1983.

Sd/- Shyam Sunder

Under Secretary to the Govt. of India

In terms of the above office memorandum dated
13.3.1984 which was extended to the Draftsman Grade-I.

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II, and III in different office of the Government of India other than in CPWD vide office memorandum dated 28.11.94 is also extended to the present applicant only with effect from 20.2.1994 taking into consideration that the applicant have completed 7 years of service as Draftsman in the scale of Rs. 975-1540 on 20.2.1994 and therefore her pay scale has been upgraded to Rs.1200-2040. It is important to note that vide OM dated 28.11.94 the Ministry of Finance have extended the benefit of Office Memorandum dated 13.3.1984 to the let out draftsman of the cadre of Grade I, II and III in different organisations of the Central Government whereas the case of the present applicant was already been covered for placement in the higher revised pay scale of Rs.1200-2040 following the letter dated 16.8.93 issued by the department of Telecommunication whereby the pay scale of the Draftsman serving in the P & T Civil Wing have been upgraded following the Judgement of the Principal Bench of the Hon'ble Central Administrative Tribunal, NEW DELHI in O.A. No. 1978/88 and also vide Govt. of India, Ministry of Communication, Department of Telecommunication circular issued under letter No.22-5/92-TE-II dated 23.8.93 whereby scale of draftsman in the scale of pay of Rs.260-430 have been upgraded to the pay scale of pay of Rs. 330-560 in terms of para 2 of the letter dated 23.8.93. The present applicant having similar recruitment qualification and similarly situated like the Draftsman working in the P & T Civil Wing also covered by the order dated 23.8.93 and also the decision of the Principal Bench of the Central Administrative Tribunal passed in O.A. No. 1978/88 is

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squarely covered the case of the present applicant for extension of the benefit of the scale of pay of Rs.330-560. The benefit of the revised upgraded scale of pay which was extended vide order dated 23.8.93 in fact given effect notionally from 22.8.93 and actually financial benefit was given from 16.11.78 or from the date of appointment/promotion in each grade whichever is later. Therefore since the applicant has joined to the post of Lower Grade Draftsman on 20.2.1987 therefore the applicant ought to have been placed in the scale of Rs.330-560 with effect from 20.2.87, in this connection further inference may be drawn that vide order dated 3.2.95 pay scale of the applicant was brought at par with Grade III Draftsman therefore the said benefit ought to have been granted to the applicant following the O.M. dated 13.3.84 issued by the Government of India, Ministry of Finance as well as by the order dated 23.8.93 issued by the Department of Telecommunication and the applicant ought to have been granted the upgraded scale of pay of Rs.330-560 revised 1200-2040 treating her at par with grade III draftsman of CPWD and P & T Civil Wing as the recruitment qualification is similar to that of Grade III Draftsman working in the P & T Civil Wing.

Copy of the letter dated 19.12.94, 3.2.95 are annexed hereto and the same are marked as Annexures-8 & 9 respectively.

4.11 That your applicant being aggrieved for extension of benefit of higher pay scale of Rs.1200-2040 only with effect from 20.2.94 she has further submitted representation dated 6.2.95 addressed to the Postmaster General,

North Eastern Circle, Shillong whereby the applicant claimed for grant of revised higher pay scale with effect from 20.2.87. However said representation dated 6.2.95 have been forwarded to the Director General, Department of Posts, New Delhi under letter No. Staff/35/70/85 dated 17.2.1995 by the Chief Postmaster General, N.E.circle, Shillong but most surprisingly the Postmaster General under his letter No. Staff/35/70/85 dated 16/22.4.96 informed the applicant in pursuance of Directorate letter No. 37-1/87-SPB-I (Pt.I) dated 4.4.96 that her representation has been carefully considered by the competent authority who did not find any reason to interfere and it is stated that the representation has been rejected.

A copy of the representation dated 6.2.95 and forwarding letter dated 17.2.95 and rejection order dated 16.4.96 are annexed hereto and the same are marked as Annexures-10,11 and 12 respectively.

4.12 That your applicant begs to state that after rejection of her representation dated 6.2.95 vide rejection letter dated 16.4.96 the applicant submitted an appeal dated 22.7.96 before the Director, Directorate of Public Grievances, Cabinet Secretariat, Sardar Patel Bhawan with copy to Secretary, Department of Posts, New Delhi, Deputy Director General, Department of Posts, New Delhi and Chief Postmaster General, North Eastern ~~Region~~ Circle, Shillong. In the said appeal the applicant inter alia stated that the higher revised scale of Rs.1200-2040 should have been given to the applicant with effect from 20.2.87 and the criteria of 7 years does not

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applicable to the case of the present applicant and prayed for examination of the case of the applicant. Finding no response from the Directorate of Public Grievance the applicant preferred another appeal addressed to the Secretary, Department of Posts, New Delhi dated 3.9.96. In the said representation the applicant again brought it to the notice of the Secretary that the case of the applicant is covered in terms of the Judgement and Order passed by the Hon'ble Central Administrative Tribunal, Principal Bench in O.A. No. 1978/88 dated 31.7.1992 and prayed for reconsideration of her case for grant of revised scale of pay of Rs.1200-2040 with effect from 20.2.1987. Finding no response to her appeal dated 3.9.96 the applicant preferred another appeal dated 23.5.97 addressed to the Director General, Department of Posts, New Delhi and immediately thereafter she preferred another appeal dated 12.8.97 addressed to the Chief Postmaster General, N.E.Circle, Shillong but unfortunately the appeal of the applicant has not been considered by the higher authorities and the applicant reliably came to learn that appeal has not been placed before the authorities for reconsideration. Unfortunately the Postmaster General, N.E. Circle Shillong vide his letter dated 15.9.97 under letter No. Staff/35/70/85 informed the applicant that her case cannot be considered at this stage since Directorate has already examined and decided the case earlier and thereby in fact the appeal of the applicant has been rejected vide letter dated 15.9.97. In this compelling circumstances finding no other alternative the applicant approached the Tribunal for the protection and legal right and interest for grant of appropriate revised pay scale of Rs.1200-2040 at par with the other Grade III

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draftsman working in the CPWD, Telecommunication and other Central Government departments and also in the light of the Judgement and Order passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No.178/88 as the applicant having similar recruitment qualification like other draftsman of CPWD P & T etc. therefore the Hon'ble Tribunal would be pleased to direct the respondents to pay the upgraded scale of Rs.330-560 to the applicant with effect from 20.2.87 to 19.2.94.

Copy of the representations dated 22.7.96, 3.9.96, 12.8.97 and rejection letter dated 15.9.97 are annexed hereto and the same are marked as Annexures 13, 14, 15 and 16 respectively.

4.13 That your applicant finding no favourable response approached the Hon'ble Tribunal through O.A. No. 260/97 praying interalia for grant of revised appropriate pay scale of Rs. 1200-2040 to the applicant with effect from 20.2.1987 to 19.2.1994 including all service benefits in terms of Office Memorandum dated 13.3.1994 and Circular dated 23.8.93 treating the applicant at par with Grade III draftsman with all consequentail service benefit and monetary benefit including increment. The Hon'ble Tribunal was pleased to admit the said O.A. and the respondents after receipt of notice contested the said O.A. The matter was finally decided on 31.8.99 by the Hon'ble Tribunal with the following observations:

"We find it very difficult to give our findings in view of the cryptic order issued by the respondents rejecting the contention of the applicant. We notice that the post was advertised before 1.1.1986 in the

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scale of pay of Rs.260-430/- and the DPC for recruitment to the post was held on 27.10.1984. The appointment was offered on 10.2.1987 and the appointment order was issued on 20.2.1987. This was after 1.1.1986 on which date the report of the Fourth Central Pay Commission came into effect. No light has been thrown whether the post of Lower Grade Draftsman was in existence after 1.1.1986 and if so, what was the scale of pay relevant to the post. According to the applicant the scale of pay of Rs.260-430/- became equivalent to Rs.975-1540/- after 1.1.1986. However, according to her the scale of pay of Rs. 260-430/- for Draftsman was already no longer in existence as it was revised by the Third Central Pay Commission to Rs.330-560/- which has a corresponding scale of Rs. 1200-2040/- with effect from 1.1.1986. In these circumstances there could be a possibility that she was appointed in a non existing post with a non existing pay scale. It is the duty of the respondents to give reasons meeting the contention of the applicant while disposing of her representation. Since that was not done we direct the respondents to consider the representations of the applicant afresh and issue a speaking order supported by facts and reasons. The order shall be communicated to the applicant within 60 (sixty) days from the date of receipt of this order.

With the above directions the application is disposed of. No order as to costs."

In view of the order passed by the Hon'ble Tribunal in O.A. No. 260/97, the CPMG, N.E. Circle, Shillong vide his order issued under Memo No. Staff/35/70/85 (L) dated 18.3.2000 rejected the prayer of the applicant placing her in the scale of Rs. 1200-2040 with effect from February 1987 and the alleged ground that the qualification for the post of Lower Grade Draftsman in circle office is lower than that with the post of draftsman Grade III in CPWD. It is stated that the very ground of rejection of the prayer of the applicant for grant of pay scale with effect from 20.2.87. However this ground is not tenable in the eye of law as because that the very scale is not in existence in the establishment of the respondent's department, therefore question of similar recruitment qualification also does not arise in the instant case of the applicant. However recruitment qualification of the draftsman of CPWD as well as draftsman serving in the department of post are equivalent, even a mere reading of the recruitment qualification shown in the impugned order dated 15.3.00 also establishes beyond all doubts that recruitment qualification for draftsman is more or less similar. In the case of the department of post it is stated that the qualification should be matriculation either two years working experience in the line in Government department or a firm ~~and~~ or diploma or certificate in Civil Engineering or draftsman course recognised by the Govt. of India whereas in the Central Public Works Department, recruitment qualification for draftsman Grade III, the minimum qualification has been prescribed, diploma in draftsmanship from a recognised Institution and experience

of not less than two years duration including practical training of six months. Therefore it can rightly be said that the recruitment qualification of draftsman for both the departments are more or less similar but the respondents making an attempt to make a distinction as regards recruitment qualification stating that the recruitment qualification of CPWD draftsman are higher than the recruitment qualification of the respondent establishment. The short fall of two years experience cannot make a distinction regarding recruitment qualification of the Draftsman of two establishments and the mere look in the recruitment qualification as shown in the impugned order dated 15.3.2000 it establishes beyond all doubts that two years experience is also prescribed for the draftsman of respondent establishment and thereafter it is stated alternatively a diploma or certificate in Civil Engineering in draftsman course recognised by the Govt. of India is required. Therefore no distinction can be made regarding recruitment of the draftsman of these two establishments. In this connection it is relevant to mention here that the draftsman who are serving in the Telecommunication Wing of the erstwhile P & T Department also possesses the recruitment qualification like that of the present applicant. ~~Even~~ then following the Presidential Memorandum dated 13.3.1984 Telecommunication Directorate granted the higher revised scale of pay of Rs. 1200-2040 to the draftsman serving in the Telecommunication Wing of the erstwhile P & T department. As such the impugned order dated 15.3.2000 is liable to be set aside and quashed.

Copy of the impugned order dated 15.3.2000 is annexed and marked as Annexure-17.

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4.14 That it is stated that the present applicant also initially appointed on casual basis as Lower Grade Draftsman vide Memo dated 16.10.85 and thereafter she was discharging her duties as casual lower grade draftsman in the same establishment of the respondents which would be evident from the memo dated 16.10.85 issued by the Assistant Director for Postmaster General N.E. Circle, Shillong. It is further evident from the letter dated 15.10.84 that the applicant was interviewed for the post of Lower Grade Draftsman in the scale of pay of Rs. 260-430 during the year 1984. As such the scale of pay of the applicant is required to be determined prior to submission of report of Fourth Central Pay Commission.

Copy of the Memo dated 16.10.85 and letter dated 15.10.84 are annexed as Annexures-18 and 19 respectively.

4.15 That your applicant further begs to state that apart from the recruitment qualification the other ground of the applicant is that the said pay scale of Rs.260-430 was not in existence at the time when the applicant was recruited to the post of Lower Grade Draftsman under the respondents. In this connection it is stated that some of the employees of the erstwhile P & T department approached the Hon'ble Central Administrative Tribunal, ^{Guwahati} Principal Bench through C.G. No. 161/87, 162/87, and 186/87 praying inter alia for grant of revised scale of pay as per recommendation of the 3rd Pay Commission. The aforesaid O.A.s were decided by the Hon'ble Tribunal on

3.8.1988. In the said judgement also this Tribunal dealt with the question where the applicants of those cases prayed for an order holding identical post has been treated differently in the matter of fixation of pay merely because those applicants belong to different department. Those applicants in the above mentioned cases inter alia prayed for the following reliefs :

- " 6. The applicants pray the following relief :
- i. The applicants be given the pay scale in terms of the Third Pay Commission notionally with effect from 22.8.1973.
 - ii. The applicants be given actual benefit with effect from 16.11.1978.
 - iii. In the prayer portion, the applicants have mentioned that they have been given the scale with effect from 13.5.1982 (notionally) and actually be benefit being given with effect from 1.11.1983"

From above it appears that the main grievance of those applicants to extend the benefit of scale of pay in terms of the recommendation of the Third Central Pay Commission with effect from 16.11.1978 to 31.10.1983.

In paragraph 8 of the said judgement and order there was a mention that some of the P & T employees working in New Delhi at the relevant time approached the High Court of Delhi in Shri Dharam Vir Sahdev and Others versus Union of India and Another which was registered as Civil Writ Petition No. 911/81. In the said case, the Hon'ble Delhi High Court by order dated 22.2.84

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a declaration was made that the employees (Petitioners) are entitled to the scale of pay as per recommendation of the Third Central Pay Commission and directed that their pay be fixed notionally with effect from 22.8.1973 and arrears be paid with effect from 16.11.1978 and the pay of the petitioners were revised accordingly. With the above directions the said Writ Petition was allowed. The relevant portion of the order passed in Civil Writ Petition No. 911/81 is quoted below :

"8. Mr. B. Malakar, the learned counsel for the applicants, submits that as the Award of the Board of Arbitrators was not implemented by the P & T Department, certain employees of the Department working in New Delhi approached the High Court of Delhi in Shri Dharam Vir Sahdev and Others versus Union of India and Another, registered Civil Writ Petition No. 911/81, and on hearing the parties, the High Court was pleased to grant by an order dated 22.2.1984 a declaration that that the employees (Petitioners) were entitled to the scale of pay as per recommendations of the Third Pay Commission and directed that their pay be fixed notionally with effect from 22.8.1973 and arrears be paid with effect from 16.11.1978 and the pay of the petitioners were revised accordingly.

With the above direction, the application was allowed."

From above it is quite clear that the erstwhile employees of the P & T Department were entitled to revised scale of pay on the basis of the recommendation of the

Third Central Pay Commission who were working as draftsman and similarly situated like the present applicant. In paragraph 10 of the said judgement the Learned Tribunal observed that after perusal of the judgement there is no hesitation to accept the views expressed by the learned Single Judge of the Delhi High Court in Dharam Vir Sahdev vs. Union of India & Another. It is also observed by the Learned Tribunal in paragraph that the matter was carried on appeal before the Hon'ble Supreme Court where the Hon'ble Supreme Court upheld the order of the learned Single judge of Delhi High Court. It was observed by the Hon'ble Supreme Court that the benefit of revised pay scale is subject to their revision in the light of the judgement of the Divisional Bench of Delhi High Court. The relevant portion of paragraph 10 of the said judgement is quoted below :

"10. I have myself gone through the judgement passed by the Delhi High Court in the aforesaid case. After perusal of the judgement, I do not have any hesitation to accept the views expressed by the learned Single Judge of the Delhi High Court in Dharam Vir Sahdev (Supra). The learned counsel for the applicants has also brought to my notice a copy of an order dated 17.6.1986 of the authority, which has been enclosed alongwith the application giving effect to the judgement of the learned Single Judge of the Delhi High Court. This order reads as under :

" In the light of the decision of single Judge of Delhi High Court in W.P. No. 911 of 1981

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declaring that the petitioners are entitled to the scale of pay of Rs.330-560, Rs.425-700, Rs.550-750 with effect from 22nd August, 1973. It has been decided to grant revision of pay scales to officials as the petitioners Shri D.V.Sahadev, Shri R.N. Madan and Shri D.N.Verma were drawing in the scale of pay Rs.260-430 on 22.8.1973. They may be placed in the corresponding revised scale of pay Rs.330-560 notionally with effect from 16.11.1978.

This benefit of revised pay scale is subject to their revision in the light of judgement of divisional bench of Delhi High Court in IPA No. 109 of 1983.

While this issues with a concurrence of Internal Finance vide their diary No. 2392 of 16.6.1986."

The petitioners have also enclosed a copy of the order of the Hon'ble Supreme Court arising out of the judgement of the learned Single Judge of the Delhi High Court in the above cases. The order of the Hon'ble Supreme Court reads as under :

"SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS-

Petition for special leave to appeal (Civil) No. 16728 of 1985 (from the judgement and order dated 12.9.85 of High Court of Delhi in dismissing CMP No.1618/85 (Petition) in Patent appeal No.

The Union of India and ANR - Petitioners
Dharamavir Sahadev &
others.
... . Respondents

(With application for exemption)

Date : 31.3.86 : This petition was called on hearing
today.

Coram : Hon.

Hon. Mr. Justice A.P.Sen

Hon! Mr. Justice N.Khalid

For the petitioners : Mr. Batta, A.S.G.

Mr. S.K. Gambhir

Mr. C.C.Subba Rao

Mr. R.D. Agarwal (Advocates)

For the Respondents : Mr. G.D.^Gupta, Advocate

Upon hearing counsel, the Government made the
following order.

Special leave petition is dismissed as
withdrawn."

From above it appears that the appeal preferred by
the Union of India in the case of Dharam Vir Vs.Union of
India & Another was subsequently dismissed by the Hon'ble
Supreme Court on withdrawal by the Government of India.
It appears that the scale of pay of Rs. 260-430 had been
revised to Rs.330-560 following the recommendation of the
3rd pay commission with effect from 16.11.1978 in the same
establishment of the erstwhile P & T department which was
bifurcated into two departments in the year 1988 namely
Department of Posts and Department of Telecommunication.
Therefore it can rightly be said that there was not pay
scale of Rs.260-430 in the erstwhile department of P & T
prior to bifurcation as because the judgement of the

Delhi High Court which was confirmed by the Hon'ble Supreme Court which was subsequently implemented by the department of P & T. In view of the factual aforesaid position it is abundantly clear that the pay scale of Rs.260-430 was been revised to Rs.330-560. As from on the date of appointment of the applicant i.e. on 20.2.1987 there was no pay scale of Rs.260-430 for Lower Grade draftsman in the department of Post. It is categorically submitted that the department of Posts subsequently implemented the said judgement of the Delhi High Court which was confirmed by the Hon'ble Supreme Court. In paragraph 11 of judgement and order dated 3.8.88 in O.A. 161/97 the learned Tribunal held as follows :

" 11. On the conspectus of the facts and circumstances and for the reasons stated above we do not find any justification in denying the fixation of pay in terms of the Third Central Pay Commission in favour of the applicants. Accordingly it is held that the applicants are entitled to the scale of pay in terms of the Third Central Pay Commission as have been given to the corresponding category of employees in the Central Public Works Department with effect from August 22, 1973. It is further directed that the pay of the applicants may be notionally fixed with effect from August 22, 1973 in the revised scale and arrears, if any, be allowed with effect from November, 16, 1978.

In the above terms the application is allowed, but in the facts and circumstances of the case,

I pass no order as to costs."

From above observations it is quite clear that the revised scale of pay in respect of draftsman has been accepted by the erstwhile P & T department, as a result the applicant is entitled to be placed in the scale of Rs.330-560 (Revised-1200-2040).

Copy of the Judgement and Order dated 3.8.88 is annexed hereto and the same is marked as Annexure-20.

4.16 That it is stated that the Ministry of Communication, Department of Telecommunication vide order bearing No. 15-30/88-CSE dated 19.7.1993 revised the pay scale of draftsman of P & T Civil Wing at par with draftsman of the CPWD consequent on CAT Principal Bench Judgement dated 31.7.92 in O.A. No. 1978/88 wherein it is stated that in pursuance of the judgement of the CAT, Principal Bench, New Delhi in O.A. No. 1978/88 filed by the All India P & T Civil Wing (Non gazetted) Employees Union Versus Union of India, sanction of the Telecom Commission is accorded for revision of the scale of pay of draftsman of P & T Civil Wing. In the order dated 19.2.93 it is ordered that the revision of scale of pay above is subject to the condition that the draughtsmen of P & T Civil Wing ~~receiving~~ receiving monetary benefit of such revision should give an undertaking in writing that they should refund the amount received on such revision, in case the L.P.A. No. 109/84 pending of the Division Bench of Delhi High Court (Union of India Vs. Dharam Vir Sahdev and 2 others) is decided in favour of the Government as those submission had been laid down by the Hon'ble Supreme

Court while disposing of the SLP filed by the Government in the above case vide Supreme Court's order dated 16.4.1993 in C.C. No. 19204/93. The relevant portion of the letter dt. 19.7.93 is quoted below :

"The revision of the scales of pay ordered above is subject to the condition that the draughtsmen of P&T Civil Wing receiving monetary benefits on such revision shall give~~d~~ and~~d~~ undertaking in writing that they shall refund the amount received on such revision, in case the L.P.A. No. 109/84 pending before Division Bench of Delhi High Court (UOI Vs. Dharam Vir Sahdev and 2 others) is decided in favour of the Government. As stipulation has been laid down by the Hon. Supreme Court of India while disposing of the SLP filed by the Government in the above case vide Supreme Court Order dated 16.4.93 in C.C. No. 19204/93."

From above it is quite clear ~~that with~~ even the Telecom Department also implemented the recommendation of the 3rd Pay Commission and also sanctioned pay parity at par with CPWD following the judgement and order dated 31.7.92 in O.A. No. 1978/88. Therefore it can rightly be said that at the relevant time when the applicant joined the department as lower grade draftsman on 20.2.1987 there was no pay scale of Rs. 260-430 in existence. Therefore the applicant is entitled to be placed in the scale of Rs. 330-560 (Pre revised) i.e. Rs.1200-2040.

Copy of the order dated 19.7.93 is annexed as Annexure-21.

4.17 That your applicant begs to state that the Thrid Central Pay Commission recommended for placing the draftsmen who are working in the grade of Rs. 260-430 to the scale of Rs. 330-560. This recommendation of the Thrid Pay Commission was accepted by the Government and the scale of Rs. 260-430 was revised to Rs. 330-560 which was confirmed in the Directorate letter ~~xxxxx~~ ~~xxxxx~~ No. 23-24/85-P.I. dated 16.6.88. Therefore Hon'ble Tribunal be pleased to direct to produce the Directorate letter dated 16.6.88 for perusal of the Hon'ble Tribunal.

4.18 That your applicant begs to state that the Post Master General of N.E. Circle, Shillong vide in letter bearing No. EST/2/-428/86/RLG/Corr. dated Shillong the 27th June, 1988 whereby it is informed that the Directorate vide letter No. 23-24/85-PE.II dated 16.6.88 informed that in pursuance to the orders contained in the Ministry of Finance (Expenditure) O.M. No. F.No. 5(13)-E III/87 dated 11.9.87 conveying the approval of the President for extension of benefit of the pay scale allowed to the draftsman to the Ordnance factories Organisation, Ministry of Defence to similarly placed draftsman in other Ministries/Department of Governemnt of India it has been decided that the draftsman in the department of post as were in the pay scale of Rs. 205-280/- prior to 1.1.73 and were placed in the scale of Rs. 330-560/- based on the recommendation of the Third Central Pay Commission. The relevant portion of the order dated 16.6.88 is quoted below :

" In pursuance to the orders contained in the Ministry of Finance (Deptt. of Expenditure) O.M.

~~xxxxxx~~

No. F. No. 5(13)-E-III/87 dated 11.9.87 conveying the approval of President for extension of the benefit of the pay scales allowed to the Draughtsmen to the Ordnance Factories Organisation, Ministry of Defence to similarly placed Draughtsmen in other Ministries/Depts. of Govt. of India it has been decided that the Draughtsman in the Deptt. of Posts as were in the pay scale of Rs.205-280/- prior to 1.1.73 and were placed in the scale of Rs.330-560/- based on the recommendation of the Third Central Pay Commission contained in para 81(iii) of Chapter 14 of its report, may be given the scale of Rs.425-700/- notionally from 1.1.73 and actually from 1.9.87.

2. This issues with the concurrence of Finance Advice(Postal) vide their I.D. No.2452/FAP/88 dated 2.6.88."

From above it is quite clear that the department of Post also accepted the recommendation of Third Central Pay Commission in the matter of revision of pay scale of draftsmen of the department of the Post. Moreover the department of post also accepted the Judgement and order passed by Hon'ble Delhi High Court in the case of Civil Writ Petition No.911/81 wherein the Hon'ble High Court upheld the claim of the petitioner for granting revised pay as recommended by the Third Central Pay Commission, as such the present applicant also entitled to the scale of Rs.1200-2040/-(revised) from the date of joining in service as Lower Draftsman Gr.II.

Copy of the letter dt. 27.6.1988 is annexed as Annexure-22.

4.17 That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

- 5.1 For that the pay scale of Rs.260-430 allotted to the applicant on the date of her appointment to the post of Lower Grade Draftsman was not in existence as the Government of India accepted the recommendation of the Third Central Pay Commission and also implemented the direction passed by the Hon'ble Delhi High Court in the case of P & T Draftsman in: Dharam Vir Sahadev Vs. Union of India & ors which was subsequently confirmed by the Hon'ble Supreme Court.
- 5.2 For that the erstwhile P & T Department (Now Deptt. of Telecommunication) also accepted the pay parity of scale of pay of draftsman of P & T Civil Wing at par with the Draftsman of C.P.W.D. consequent on the Learned Central Administrative Tribunal Principal Bench judgement and Order dated 31.7.92 in O.A. No. 1978/88.
- 5.3 For that the case of the applicant is quarely covered under the O.M. dated 13.3.1984 issued by the Government of India, Ministry of Finance for higher revised pay scale of Rs. 1200-2040/-.
- 5.4 For that the applicant having similar recruitment qualification of 2 years diploma like other Grade III Draftsman serving in the P & T Civil Wing,

Contd...

CPWD and other Central Govt. organisations therefore the applicant is entitled to revised higher pay scale of Rs.1200-2040/- in terms of the O.M. dated 13.3.1984 and also the O.M. dated 25.8.1983.

- 5.5 For that the case of the applicant is also squarely covered in the light of the Judgement and order passed by the Hon'ble Principal Bench of the Central Administrative Tribunal in O.A. No. 1978/88, the benefit of which was extended to the similarly situated draftsman having similar recruitment qualification serving in P & T Civil Wing of the department of Telecommunication.
- 5.6 For that the 7 years criteria laid down in the O.M. dated 28.11.94 following the O.M. dated 13.3.1984 is not applicable in the instant case of the applicant.
- 5.7 For that the benefit of higher revised pay scale at par with CPWD Draftsman have already been extended to the Draftsman of P & T Civil Wing following the judgement & Order of the Principal Bench of the Central Administrative Tribunal prior to the issuance of the O.M. dated 28.11.94 therefore applicant's case is required to be decided in the light of the circular ~~xxxxx~~ issued by the O.M. dated 23.8.94.
- 5.8 For that the Office Memorandum dated 28.11.94 is not applicable in the instant case of the applicant as the same was issued to cover the other Central

Contd...

Government offices by relaxing the educational qualification vide OM dated 28.11.94 following the earlier OM dated 13.3.1984.

5.9 For that the criteria of similar recruitment qualification laid down in the O.M. dated 13.3.84 has been fulfilled by the applicant at the time of her initial appointment on 20.2.1987.

5.10 For that the impugned order dated 15.3.2000 has been issued in total violation of the Hon'ble Delhi High Court's order referred above.

6. ~~That the applicant~~ Details of remedies exhausted.

That the applicant states that she has no other alternative and other efficacious remedy than to file this application.

10. Matter not previously filed or pending with any other Court/Tribunal.

The applicant further declares that she had filed an Original Application No.260/1997 before this Hon'ble Tribunal and the same was disposed of on 31.8.1999 with direction to the respondents to consider the case of the applicant afresh. But the prayer of the applicant has been rejected. No writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other Tribunal nor any such application writ petition or suit is pending before any of them.

Contd...

8. Relief(s) sought for :

Under the facts and circumstances of the case the applicant prays that Your Lordships would be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs :

- 8.1 The the respondent be directed to grant appropriate revised pay scale of Rs.1200-2040 to the applicant with effect from 20.2.1987 ~~to the applicant~~ ~~xxx~~ including all consequential service benefits in terms of Office Memorandum dated 13.3.1984 and Circular dated 23.8.1993 treating the applicant at par with Grade III Draftsman.
- 8.2 Costs of the Application.
- 8.3 Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case as may be deemed fit and proper by the Hon'ble Tribunal.

9. Interim order prayed for :

During the pendency of this application, the applicant prays for the following interim order :

- 9.1 In the instant application the applicant do not pray any interim order by pray for early disposal of this application.

Contd...

54

10.

This application is ~~xxxxxx~~ filed through advocate.

11. Details of Postal Order :

Postal Order No.	: 062 458882
Date of Issue	: 13/2/2000.
Issued from	: G.P.O., Guwahati.
Payable at	: G.P.O., Guwahati.

12. List of enclosures :

As per Index.

.....Verification

V E R I F I C A T I O N

I, Smt. Swapna Dey, wife of Sri Pranoy Chandra Dey, aged about 39 years, working as Lower Grade Draftsman in the circle office of the Chief Postmaster General, Shillong, applicant in this application do hereby verify the statements made and declare that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact in this application.

And I sign this verification on this the 7th day of June 2000,

Swapna Dey

Signature

193
280 - 430
575 - 1540
320 - 560
drift mm

Annexure-1

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE POSTMASTER GENERAL; N.E. CIRCLE : SHILLONG

Memo No. Staff/35-70/85 Dated at Shillong the 20.2.87

In pursuance of Directorate's letter No.37-1/87-SPB.I dated 21.1.87 conveying extension of validity of panel drawn on the recommendation of the DPC which met on 27.10.84 Smt. Swapna Dey, an approved candidate, is hereby appointed temporarily as Lower Grade Draughtsman in the scale of pay of Rs.975-25-1150-EB-30-1540/- plus other allowances as admissible from time to time and posted in Circle Office, Shillong from the date she actually assumes the charge.

2. She is given to understand that the post to which she is appointed belongs to Circle Office, Shillong. But on appointment, Smt. Swapna Dey is liable to be transferred in special circumstances to any part of India in the interest of public service and also liable to serve in Army within India at the time of war and National Emergency.

3. She will be on probation for a period of two years from the date of joining. The appointment shall remain provisional subject to satisfactory police verification report on her character and antecedents.

Sd/- (L. MUNGA)
A.P.M.G. (Staff)
for Postmaster General
N.E.Circle, Shillong.

Copy to :

1. Smt. Swapna Dey, C/o Shri Pronoy Ch. Dey, Circle Office, Shillong. She is to report to duty to this office within 10 days from the date of receipt of this letter.
2. The A.E.MCW, Circle Office, Shillong.
3. The A.P.D.S. (Accounts), C.O., Shillong.
4. The J.A.O. (Bgt), C.O., Shillong.
5. The O.S., C.O. Shillong.
6. File No. Staff/36-9/86.
7. O/C

Sd/- Illegible
for Postmaster General
N.E.Circle, Shillong

To
The Postmaster General
N.E.Circle,
Shillong-793001

Sir,

I beg to submit the following the few lines for your kind consideration and favourable orders.

I have been appointed as Lower Grade Draughtsman (Civil) in the Circle Office, Shillong since February, 1987 with the scale of pay Rs.975-1540 vide Circle Office Memo No. Staff/35-70/85 dt. 20.2.1987.

There are only 3 (three) categories of Draughtsman (Civil) viz who have 2 years Diploma as Gr. I, Gr. II and Gr. III and there is no such grade except these with the scales of pay recommended by the 3rd and 4th Central Pay Commission as follows :

3rd Central Pay Commission.		4th Central Pay Commission
D/Man Gr. I	Rs.550-750	Rs.1640-2900
D/Man Gr.II	Rs.425-700	Rs.1400-2600
D/Man Gr. III	Rs.330-560	Rs.1200-2040

The above stated scales are given to the Draughtsman working in the other Central Govt. Offices like C.P.W.D. and Postal and Telecom. Civil Wings and there is no such scale which given to me as Lower Grade Draughtsman.

As I hold 2 years Diploma and was recruited as Lower Grade Draughtsman (Civil) in the Circle Office, I feel that in all fairness, and on the lines stated above, I should be given the scale of pay applicable to grade III Draughtsman.

I therefore, request you to kindly consider my case and issue necessary orders placing me the scale of Rs.1200-2040/- applicable to Grade II Draughtsman, for which act of kindness I shall be ever grateful.

Thanking you Sir,
Dated Shillong
16.12.86

Yours faithfully,
Sd/- Swapna Dey
Draftsman

Annexure-3

To

Shri T.S.Raman,
Director General
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001

Dated Shillong 3.6.94

(Through Proper Channel)

Respected Sir,

This is regarding anomalies fixation of pay of the undersigned the fact of which is furnished in the following paras.

2. In the light of decision of the Hon'ble Delhi High Court in WF 911 of 1981, the Department of Telecom placed the Draftsman drawing the scale of Rs.260-430 in the corresponding revised scale of Rs.330-560 which was subsequently revised by the 4th CPC to Rs.1200-2040.
3. That Sir, I was appointed as a lower grade Draughtsman under PMG, Shillong Memo No. Staff/35-70/85 dt. 20.2.87 in the scale of Rs.260-430 on a regular basis. Actually the scale of Rs.260-430 did not exist at the time of my appointment and it should have been re-revised scale of Rs.330-560 which was subsequently revised by the 4th CPC to Rs.1200-2040.
4. It will not out of place to mention here that my representation for revision of pay was rejected under PMG/Shillong letter No. AAO/BCT/31-7/87-88 dated 27.6.91 on the ground that I was appointed as a lower grade draftsman and the pre-revised scale of Rs.330-560 is related to Draughtsman Grade-II without paying any heed to the Hon'ble Delhi High Court Order as stated at para 2.
5. In view aforesaid, I write to request your kindness to look into the case personally and favour me with your kind decision at an early date.

Enclo :

1. Photocopy of representation
dt. 16.12.87 & 13.5.88
2. Copy of letter No.23-24/85-
PE dt. 16.6.88.
3. Teledom Dte's letter No.10-34/84-GSE
dt. 17.6.86.
4. Copy of C.O. Letter No. AAO/BGT/31-7/87-88
dt. 27.6.91

Yours faithfully,

Sd/- Swapna Dey
(Smt. Swapna Dey)
Draftsman, C.C., Shillong

DEPARTMENT OF POSTS,
OFFICE OF THE CHIEF POSTMASTER GENERAL : N.E. CIRCLE
SHILLONG-793001

To

The Director General
Department of Posts,
Dak Bhavan, Sansad Marg,
NEW DELHI-110001

No. Staff/35/70/85

Dt. Shillong, the 29.11.94

Sub : Anomalies in fixation of pay - case of Smt Swapna
Dey, LG Draftsman, C.O. Shillong.

Sir,

Smti Swapna Dey, Lower Grade Draftsman, Circle Office, Shillong was appointed in the scale of pay of Rs.975-25-1150-EB-30-1540/- plus other allowances is admissible from time to time which is the corresponding scale of pre-revised scale of Rs.260-430/- Now she has represented that her pay scale should have been in the scale of 330-560/- subsequently which was revised by the CPC to Rs.1200-2040/-. Since it is a case of revision of original scale shown in her appointment letter (copy enclosed) which was issued in pursuance of Dte's letter No. 37-1/87. SPB.I dated 31.1.87 the case is referred to the Directorate for clarification as to whether her original scale should be granted in the scale of Rs. 330-560/- whose corresponding revised scale is at present is Rs.1200-2040/-. Her representation dated 3.6.94 with all its enclosures is forwarded herewith for kind decision.

Yours faithfully,

Sd/-

Enclo : As above.

(N.CHOWDHURY)

Asstt. Postmaster General (S)
N.E.Circle, Shillong-1.

Copy to

Smti Swapna Dey, Draftsman, Circle Office, Shillong
for information.

Sd/- Illegible
for Chief Postmaster General
N.E.Circle, Shillong

No F.5 (59) -E.III/82
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF EXPENDITURE)

New Delhi, the 13th March, 1984

OFFICE MEMORANDUM

Subject : Revision of pay scales of Draughtsman Grade III, II, I in all the Government of India offices on the basis of the award of Board of Arbitration in the case of Central Public Works Department.

The undersigned is directed to state that the committee of the National Council (Joint Consultative Machinery) was set up to consider the request of the staff side that the following revised scales of pay allowed to the Draughtsman Grade-I, II, and III working in Central Public Works Department on the basis of the Award of Board of Arbitration may be extended to Draughtsman Grade I, II and III in all Government of India offices :-

	Original Scale	Revised scales of the Award
Draughtsman Grade I	Rs. 425-700	Rs. 550-750
Draughtsman Grade II	Rs. 330-380	Rs. 425-700
Draughtsman Grade III	Rs. 260-430	Rs. 330-560

2. The President is now pleased to decide that the scale of pay of Draughtsman Grade-I, II, III in the offices/departments of the Government of India, other than the Central Public Works deptt. may be revised as above provided their recruitment qualifications are similar to those prescribed in the case of Draughtsman in Central Public Works Department. Those who do not fulfil the above recruitment qualification will continue in the pre-revised scales. The benefit of this revision of scales of pay would be given notionally with effect from 13.5.1982.

3. Hindi version will follow.

Sd/-

Deputy Secretary to the Government
of India.

To

All Ministries/Departments of the Government of India
(As per Standard list with usual number of spare copies.)

Attested
Adm

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER, N.E. CIRCLE
SHILLONG-793001

No. MBT/BE-562/D.Man Dated Shillong the 16th Aug '93

The TDM/Sh/Agt/Dmp/Ip/Ttn/Azl

The AO (A&P)/AO(TA), C.O.Shillong

The Ad(HRD)/ADT(T), C.O. Shillong.

Revision of pay scales of Draughtsman of the P & T Civil Wing at par with Draughtsman of the CPWD consequent on CAT, Principal Bench judgement dated 31.7.92 in O.A. No. 1978/88.

A copy of DOP/ND letter No.15-30/88-CSE dt. 19.7.93 of above mentioned subject is forwarded herewith for favour of information guidance and necessary action.

Enclo : As above

Sd/- Illegible

(C.N. Ghyna)

Asstt. Director/Telecom(N)
for Chief General Manager, Telecom
N.E.Circle, Shillong-793001

Copy of the DOT/ND letter No. date and subject referred to above.

In pursuance of the judgement of the CAT, Principal Bench, New Delhi, in O.A. No. 1978/88 filed by All India P & T Civil Wing Non-Gazetted employees Union versus Union of India, sanction of the Telecom Commission is hereby accorded for revision of the revised pay of Draughtsman of P & T Civil Wing as under :

Draughtsmen appointed/promoted prior to 1978.

The scales of pay of Draughtsmen appointed/promoted the following grades prior to 1978 are revised as follows :

Grade	Revised scale of pay	Pay scale w.e.f. 1.1.1986
-------	----------------------	------------------------------

Draughtsman Gr. III	Rs.330-560	Rs.1200-2040
Draughtsman Gr. II	Rs.425-700	Rs.1400-2600
Draughtsman Gr. I	Rs.550-750	Rs.1600-2660

The revised pay scales are admissible to the officials in the three grades notionally w.e.f. 22.8.73 or the dates they were appointed/promoted to the grades whichever is later. The actual monetary benefit accrues to be from 16.11.78 only.

Draughtsman Gr. II appointed after 1978.

The scale of pay of the Draughtsmen Gr. II (redesignated as Junior Draughtsmen) after the scale revised to Rs.425-700 (Rs.1400-2300) w.e.f. 1.1.1986) from the date they were appointed to the post. The actual monetary benefit accrues to these draughtsmen from the dates of their appointment to the grade.

Draughtsmen promoted to Draughtsmen Gr. I (Senior Draftsmen) after 1978.

The scale of pay of all the Draughtsmen promoted to Draughtsman Gr. I (Senior Draughtsmen) after 1978 is revised to Rs.550-750 (Rs.1600-2660) w.e.f. 1.1.1986) from the date of promotion to the grade. The actual monetary benefit accrues to these Draughtsmen from the date of their promotion to the post.

In case the Draughtsmen whose pay scales had already been revised earlier in pursuance of CAT judgements not deprived the same benefit as indicated above, they are extended the benefit of revision of pay scale as ordered.

The revision of the scales of pay ordered above is yet to the condition that the draughtsmen of P & T Civil Wing giving monetary benefits on such revision shall give an undertaking in writing that they shall not refuse the amount received on such revision, in case the L.P.A. No. 109/84 pending before the Division Bench of Delhi High Court (UOI Vs. Dharam Vir Sahadev and 2 others) is decided in favour of the Government. This stipulation has been laid down by the Hon'ble Supreme Court of India while disposing of the SLP filed by the Government in the above case vide Supreme Court order dated 16.4.93 in 19204/93).

As the amount paid on account of the implementation of the judgement is liable for recovery in the event of judgement pending in the LPA in the Delhi High Court goes in favour of the Government details of payments made from time to time may be kept in the filed units.

This supersedes the earlier orders/letters issued on subject (No.10-15/83-CSE dated 12.9.84 and No.10-34/84 dated 16.9.84).

This issues with the concurrence of Ministry of Finance Department of Expenditure vide their U.O. 12(26) IC/92 dated 28.6.1992 and Telecom Finance vide their Dy. No. 1967/93-94 dated 9.7.93

Sd/- (K.S.Chandrasenan)
Asstt. Director General (C.W.)

Annexure-7

No.22-5/92-TE-II
Government of India
Ministry of Communications
RE-II Section

910 Sanchar Bhavan

Dated New Delhi, the 23rd August, 93.

To

All Heads of Telecom Circles,
All Heads of Telephone Districts
All Heads of Other Administrative Offices

Subject : Revision of pay scales of Draughtsmen in the
Deptt. of Telecom (Telecom Wing).

In pursuance of Court/CAT judgements and in view of representations received from the Draughtsmen of the Telecom Wing of the Department of Telecom. for introduction of grades and pay scales at par with those obtained in C.P.W. D., the matter has been under the consideration of the Telecom Commission for quite sometime past. The case has been examined in consultation with Ministry of Finance and in supersession of previous orders on the subject under No.15-1/84-TE-II dated 6.2.85 and dated 23.4.85, I am directed to convey the sanction of the Telecom Commission for introduction of three grades in the pre-revised pay scale of Rs.330-560, Rs.425-700 and Rs.550-750 designated as Draughtsmen Grade III, Draughtsmen Grade II and Draughtsman Grade ~~IX~~ respectively. Hence forth, in the Telecom, Wing of the Department of Telecom there will be 3 grades of Draughtsmen viz. Grade III, Grade II and Grade I in the scale of Rs.330-560, 425-700 and Rs.550-750 in the ratio of 60:30:10. The number of posts for Grade II and Grade I have to be worked out on the Circle basis as these are Circle cadres.

2. The existing Draughtsmen will be placed in the new grades i.e. Draughtsmen in the pay scale of Rs.260-430 into Draughtsmen Grade III in the pay scale of Rs.330-560 and Higher Grade Draughtsmen in the pay scale of Rs.330-560 and Higher Grade Draughtsmen in the pay scale of Rs.330-560 into Draughtsmen Grade II in the pay scale of Rs.425-700. In case there are more officials in Rs.427-700 grade over and above the ratio indicated above due to implementation of CAT judgements, etc. such higher posts will be treated

Contd...

as person to the incumbents and these posts will be downgraded on his vacating the same.

3. In case of Draughtsmen whose pay scales had already been revised earlier in pursuance of CAT judgements but have not derived the same benefit as indicated in this order, they may also be extended the benefit of revision of scales as ordered now.

4. The revised pay scales will be admissible to those officials notionally from 22.8.1973 and actual financial benefit from 16.11.1978 or from the date of their appointment/promotion in each grade whichever is later.

5. Eligible officials with 4 (four) years regular service as Draughtsman (Higher Grade) in the scale of Rs.425-700 shall be placed in the scale of Rs.550-750 as Draughtsman Grade I on adhoc basis limited to the ratio of 10% as indicated above on their appointment to the grade after identifying the posts pending finalisation of Recruitment Rules.

6. Pay in the revised pay scales shall be fixed under FR 22 (a) (ii) as it existed on relevant date read with Addit Instruction (1) below FR 22.

7. The revision of the scales of pay as ordered in para 2 above is subject to the condition that those Draughtsmen who received such monetary benefits on the revision of pay shall give an undertaking in writing that they will refund the amount received on such revision, in case the L.P.A. No. 109/84 pending in the Division Bench of Delhi High Court (UOI Vs. Dharam Vir Sahadev and 2 others) is decided in favour of the Government. This stipulation has been laid down by the Hon'ble Supreme Court of India while disposing of the SLP filed by the Department in the above case vide Supreme Court Order dated 16.4.1993 in CC 19004/

8. As the amount paid to the officials as per this order is liable for recovery in the event of judgement pending in the LPA in the Delhi High Court goes in favour of the department, details of payments made from time to time may be maintained by the field units.

Contd..

Annexure-7 (Contd.)

9. This issues with the concurrence of Ministry of Finance, Department of Expenditure vide their U.O. No. 12(26)IC/92 dated 28.6.1993 and Telecom Finance vide their U.O. No. 2557/93-EA-I dated 19.8.1993.

Hindi version will follow.

Sd/- Illegible

(Budh Prakash)

Asstt. Director General (TE)

Copy for information to :

1. Director of Audit, P & T Delhi.
2. Pay & Accounts Office(Hqrs) D.O.T., New Delhi.
3. FA-I/Admn-I/CSE/CWG/TE-I/PAT/TPS/TF Section of the D.O.T., New Delhi.
4. NCG/STN Section for revision of the Recruitment Rules for Draughtsmen in the Deptt. of Telecom. in the line with CPWD recruitments.
5. Ministry of Finance with reference to his U.O. No. 12(26)IC/92 dated 28.6.93.
6. Record File of TE-II Section.
7. All recognised Unions/Associations of the Deptt. of Telecom.

Sd/- Illegible

(Gervasis Kulampallil)
Section Officer (TE-II)

Annexure-8

DEPARTMENT OF POSTS

Office of the Chief Postmaster General, N.E. Circle
SHILLONG-793001

To

1. All DPS/SSPOS/SPOS, in N.E. Circle,
2. The Supdt. P.S.D., Silchar.
3. The Executive Engineer, Postal Civil Dn, Shillong.
4. The Asstt. Director (A/Cs), C.O., Shillong.
5. The A.A.O., (Bgt) Circle Office, Shillong

No. Est/34-46/84

Dated Shillong the 19.12.1994

Sub : REVISION OF PAY SCALES OF DRAUGHTSMAN GRADE-I, II
AND III IN ALL GOVT. OF INDIA OFFICERS ON THE BASIS
OF THE AWARD OF THE BOARD OF ARBITRATION IN THE CASE
OF CENTRAL PUBLIC WORKS DEPARTMENT.

A Copy of Ministry of Finance (Deptt. of Expenditure)
New Delhi letter O.M. No. 13(1)-IC/91 dated 19.10.94
circulated under Dte's 23-24/94 P.E.II dated 28.11.94 is
sent herewith for faour of information, guidance and
necessary action.

Sd/- Illegible

(S. Shyam)

A.D. (Estt)

for Chief Postmaster General
N.E.Circle, Shillong.

Copy of Ministry of Finance (Deptt. of Expenditure) New
Delhi letter Number and Subject referred to above.

OFFICE MEMORANDUM

The undersigned is directed to refer to this Depart-
ment O.M. No. F.5(59)-E.III/82 dated 13.3.84 on the
subject mentioned above and to say that Committee of the
National Council (JCM) was set up to consider the request
of the Staff Side that the following scales of pay,
allowed to the Draughtsmen Grade-I, II and III working in
CPWD on the basis of the Award of Board of Arbitration,
may be extended to Draughtsmen Grade I, II & III, irres-
pective of their recruitment qualification, in all Govt.
of India's offices :

	Original scale	Revised scale on the basis of the Award
Draughtsmen Grade I	Rs.425-700	Rs.550-750
Draughtsmen Grade II	Rs 330-560	Rs.425-700
Draughtsmen Gr.III	Rs.260-430	Rs.330-560

Contd...

2. The President is now pleased to decide that the Draughtsmen Grade I, II and III in offices/departments of the Govt. of India other than in CPWD may also be placed in the scale of pay mentioned above subject to the following :

- (a) Minimum period of service for placement - 7 yrs.
from the post carrying scale of Rs.975-1540 to Rs.1200-2040 (pre-revised Rs.260-430 to 330-560).
- (b) Minimum period of service for placement - 5 yrs.
from the post carrying scale of Rs.1200-2040 to Rs.1400-2600 (Pre-revised Rs.330-560 to Rs.425-700).
- (c) Minimum period of service for placement - 4 years.
from the post carrying scale of Rs.1400-2300 to Rs.1600-2660 (pre-revised Rs.425-700 to Rs.550-750).

3. Once the Draughtsmen are placed in the regular scales further promotions would be made against available vacancies in higher grade and in acceptance with the normal eligibility criteria laid down in the recruitment rules.

4. The benefit of this revision of scales of pay would be given with effect from 13.5.82 notionally and actually from 1.11.1983.

Sd/- Shyam Sunder

Under Secretary to the Government of India

Annexure-9

DEPARTMENT OF POST
Office of the Chief Postmaster General, N.E.Circle,
Shillong-793003

No.Staff/35/70/85 Dated Shillong, the 3.2.95

In pursuance with Dte's Order No. 23-24/94-PE.II
dt. 28.11.94 the pay of Smti Swapna Dey, Draughtsman-III
Circle Office, Shillong is placed in the higher scale
of Rs. 1200-2040/- with effect from 20.2.1994.

Sd/- Illegible

(N.Chowdhury)

A.P.M.G (Staff)

for Chief Postmaster General
N.E.Circle, Shillong.

Copy to :

1. The A.D(A/cs), C.O., Shillong.
2. The A.A.O. (Bgt) -do-
3. The Director of Accounts(P), Calcutta
4. The Official concerned, Smt. Swapna Dey.
5. P/F of the official
6. The A.D., (Estt/Bldg.) C.O., Shillong
7. O/O
8. Spare

Sd/- Illegible
for Chief Postmaster General
N.E.Circle, Shillong

Annexure-10

To

The Chief Postmaster General (Staff)
N.E. Circle,
Shillong-793001

Sir,

With reference to your Memo No. Staff/35/70/85 dated 3.2.1995 in pursuance of Directorate's letter No.23-24/94-PE.II dated 28.11.94, circulated under Circle Office letter No. Est/34-36/84 dated 19.12.94, I write to state that the criteria of 7 years service for placement in a higher scale was for the Draughtsman already in service i.e. those who were appointed prior to 13.5.82.

In the present, I am appointed on 20.2.87 and should have been placed in the scale of Rs.1200-2040/- from very same date.

In view of the above, I shall request the authority for review of my case at an early date and give me the benefit accordingly i.e. from 20.2.87. However, if the authority does not agree with the aforesaid, the case may be referred to the Directorate for clarification and oblige.

Yours faithfully,

Dated at Shillong
6.2.95

Sd/- Swapna Dey 6.2.95
(SWAPNA DEY)
D/Man
Circle Office
Shillong

DEPARTMENT OF POST
Office of the Chief Postmaster General, N.E.Circle
SHILLONG-793001

To

The Director General,
Department of Post
Dak Bhavan, Sansad Marg,
NEW DELHI-110001

No. Staff/35/70/85

Dated Shillong the 17.2.95

Sub : Revision of the pay scale of Draughtsman.

In pursuance with Dte's No.23-4/94-PE.II dated 28.11.94, Smti Swapna Dey, D/Man of this office was placed in the higher scale of Rs.1200-2040/- with effect from 20.2.94.

The official joined as D/Man, Grade III on 20.2.97 (F/N) Since the minimum period of service for placement has been prescribed 7 years, so she was placed in the higher scale with effect from 20.2.94 only. The official represented to give her benefit with effect from 20.2.87. The representation of the official dated 6.2.95 is forwarded herewith for kind decision and clarification.

Enclo : 1 (One)

Sd/-

(N. Chowdhury)
A.P.M.G (Staff)
for Chief Postmaster General
N.E.Circle, Shillong.

Copy to :

Smti Swapna Dey, Draftsman, C.O., Shillong for information.

Sd/- Illegible
for Chief Postmaster General
N.E.Circle

Annexure-12

DEPARTMENT OF POST : INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL : N.E. CIRCLE
SHILLONG

To

Smti Swapna Dey
Lower Grade Draughtsman
Circle office
Shillong-793001

No. Staff/35/70/85

Dated at Shillong the 16.4.96
22

Subject : Anomalies in fixation of pay case of Smti Swapna
Dey, L.G. Draughtsman.

Directorate's letter No.37-1/87-SPB-I (Pt-I)
dated 4.4.96 informed that your representation has
carefully been considered by the competent authority who
did not find any reason to intercede on your behalf. The
representation has therefore, been rejected.

Sd/- Illegible

for Asstt. Director (Estt).
Chief Postmaster General
N.E.Circle, Shillong.

Annexure-13

To

Ms Praveen Mahajan
Director
Directorate of Public Grievance,
Cabinet Sectt.
Sardar Patel Bhavan
NEW DELHI-110001

Sub : SERVICE MATTERS (OTHER THAN THOSE RELATING TO
DISCIPLINARY ACTION).

Ref : Ministry of Personnel, Public Grievances and
Pensions (Department of Administrative Reforms
and Public Grievances).

No. 41968/6/DFG/PG-96 dated 27.03.96

Respected ~~Sir~~ Madam,

With due respect I like to inform you that I have submitted one representation addressed to the then Hon'ble Minister of Communications Shri Sukh Ram and copy to Shri S.C.Mahalik, Secy (Post.), Department of Post, DDG P.E.II, Department of Post and Smti Margret Alva, Hon'ble Minister of State, Human Resources and Women Grievances Cell, Govt. of India, New Delhi on the above mentioned subject on 15.2.96 which was forwarded to you by the Ministry of Personnel, Public Grievances and Pensions (Deptt. of Administrative Reforms and Public Grievances) vide their No. 41968/8/DPG/PG-96 dated 27.03.96.

That Madam, I was appointed as Grade-III Draughtsman on 20.2.1987 in the office of the Chief Postmaster General, N.E.Circle, hillong showing the scale of pay Rs.260-430. After my appointment I have been representing to my local authority with the relevant Govt. orders which was enclosed with my representation dated 15.2.96 that the scale of Rs. 260-430 was in existence prior to 1.1.1973 (3rd CPC). According to recommendation of 3rd CPC and accepted by the Union Government this scale was revised to the scale of Rs.230-560/- which was confirmed in the Postal Directorate letter No. 23-24/85-PE-II dated 16.6.88. In the light of decision of single Judge of Delhi High Court in W.F. 911 of ~~ExR~~. 1981 the incumbents drawing scale of Rs.260-430/- before 3rd C.P.C.

should be placed in 3 grades in the scales of Rs.330-560/- 425-700/-, and 550-750/- with effect from 22.8.83 as circulated vide Telecom Directorate No. 10-34/84-CSE dated 17.6.86 (both the copies are available with my representation dated 15.2.96).

That Madam, according to the orders mentioned above there was no scale of Rs.260-430/- in existence on the date of my appointment, as it was already revised by 3rd CPC to the scale of Rs.330-560/-. This scale was further revised by the 4th C.P.C. effective from 1.1.86 to the scale of Rs.1200-2040/-. So on the date of my appointment i.e. 20.2.87 scale of Rs.1200/- 2040/- for III Grade Draughtsman was available and I should have been appointed in this scale. But I was given the scale of Rs. 975/- 1540/- against a pre-revised scale of Rs.260-430/- which was not in existence, on the date of my joining the Deptt.

That Madam, since I was given lower pay scale which was not in existence on the day of my appointment, I have been representing to the Local Authority and Postal Directorate since 16.12.1987 (last application to DG Post on 13.09.95 to regularise the anomaly on the basis of the orders mentioned in forgoing Paras. But no satisfactory reply has yet been received from the authorities. However, an order has now been issued by the Chief Postmaster General, N.E.Circle, Shillong under No. Staff/35/70/85 dated 3.2.95 placing me in the scale of Rs.1200-2040/- with effect from 20.02.94 in pursuance of Directorate's letter No. 22-24/04-PE.II dated 28.11.94 (Copy available in my earlier representation dated 15.2.96) but since it was contrary to the Dte's order I have submitted another application to the Chief PMG, Shillong and Postal Dte. on 06.02.95 for consideration of the case. The said application was forwarded by the Chief P.M.G., Shillong to Directorate under his letter No. Staff/35/70/85 dated 17.2.95.

That Madam, the order contained in the Postal Directorate order dated 28.11.94 (in pursuance of decision in J.C.M. set up in 1984) was effective from 13.5.82 notionally and actually from 1.11.83, this order was

Annexure-13 (Contd.)

was applicable to them who were in service prior to 13.5.82 under certain conditions. But the office of the Chief Postmaster General, N.E.Circle, Shillong appears to have been misinterpreted the order and applied in my case also. Since I was appointed on 20.2.87, I do not come under the purview of the condition of Clause (a) of this order. Since I was ~~apparent~~ supposed to be appointed in the scale of Rs. 1200-2040 and my pay should have been fixed at Rs. 1200 on 20.2.1987 and the conditions at clause (b) and (c) of the order should be applied thereafter at my case, according to this, my claim would be :-

- i) Appointment on 20.02.87 in the scale of Rs.1200/- - 2040/-.
- ii) Appointment on 20.02.92 in the scale of Rs.1400-2300/-.
- iii) on 20.02.95 I should be appointed in the scale of Rs. 1600-2600/-.

That Madam, on the basis of my application dated 06.02.95 which was forwarded by the Chief Postmaster General, N.E.Circle, Shillong to Postal Dte. under Staff/35/70/85 dated 17.02.95, the Postal Directorate rejected my case vide their letter No. 37-1/87-SPB.I (pt.I) dt. 04.04.96 without giving due consideration to my representation dated 15.2.96. ~~xxxxxx~~ Moreover my representation dated 15.2.96 has not yet been forwarded to the Postal Directorate till date by the Chief P.M.G. (Staff). The Directorate's decision dated 4.4.96 was issued on the basis on my application dated 6.2.95. Had my representation dated 15.2.95 containing more details of the case been forwarded to the Directorate timely then Directorate could re-examine the case before conveying any decision.

Under the above circumstances, I pray to your honour to be kind enough to cause re-examination of my case and cause to issue favourable orders saving me from the recurring monetary loss being sustained now. For this act of your kindness I shall remain ever grateful to you.

Dated Shillong
the 22nd July '96

Yours faithfully,
Sd/- Swapna Dey 22.7.96
Draughtsman-III, O/o the Chief
Postmaster General, N.E.Circle,
Shillong.

Copy to

1. Shri R.V.S.Prasad, Secretary (Post), Department of Post, Dak Bhavan, New Delhi-110001 for favour of information and necessary action. With reference to Dte's letter No.37-1/87-SPB.I (Pt.I) dated 4.4.96 (Through Chief PMG, Shillong). I am like to submit that if satisfactory reply is not received within a month I may be compelled to take recourse to legal action.
2. The Dy. Director General (Staff) Department of Post, Dak Bhawan, New Delhi-110001 for information (Through Proper Channel).
3. The Chief Postmaster General (Staff) N.E.Circle, Shillong for information and necessary action with ref to his letter No. Staff/35/70/85 dated 17.2.95.

Sd/- Swapna Dey 22.7.96

(Mrs. Swapna Dey)
Draughtsman-III
o/o the Chief Postmaster General
N.E.Circle, Shillong

Annexure-14

To

Shri R.V.S. Prasad,
Secretary (Post)
Department of Post,
Dak Bhavan, Sansad Marg,
New Delhi-110001

(THROUGH PROPER CHANNEL)

Sub : Prayer for the grant of pay scale of Rs.1200-2040/-
with effect from 20.2.1987.

Respected Sir,

Kindly permit me to submit a few lines before your honour for favour of your kind perusal and sympathetic consideration.

That Sir, I was appointed as L.G. Draughtsman (Grade-III) with effect from 20.2.87 in the office of the Chief Postmaster General, N.E. Circle, Shillong in the pay scale of Rs. 260-430/- vide Memo No. STA/35/70/85 dated 20.2.1987.

That Sir, It may be mentioned here that in the 3rd C.P.C. was pleased to revise the pay scale of the 3rd Grade Draughtsman to the scale of Rs. 330-560/- (with effect from 1.1.1973 which was accepted by the Govt. and circulated vide Postal Dte's letter No. 23-24/85-PE-II dated 16.6.1988.

That Sir, I beg to mention here that although the Govt. of India was pleased to grant the benefit of pay scale of Rs. 330-560/- to the 3rd Grade Draughtsman but unfortunately the Local Authority is not willing to extend the benefit of Rs. 300-560/- scale to me despite of submission of several representations.

That Sir, in this connection I beg to endorse herewith a Xerox copy of the Judgement passed by the Hon'ble Principal Bench, C.A.T., New Delhi in O.A. No. 1978/88 dated 31.7.92 circulated under D.O.T. New Delhi letter No. 25-30/88-CSE dated 19.7.93, wherein the revised pay scale of Grade I, II and III Draughtsman were circulated and given with effect from 1.1.1986 in the said Judgement in the corresponding pay scale of the Grade III Draughtsman was fixed at Rs.1200-2040/-.

That Sir, I do hope and believe that while the Hon'ble C.A.T., Principal Bench, New Delhi and the Govt. of India were pleased to grant the benefit of pay scale of Rs.1200-2040/-

to Grade III Draftsman with effect from 1.1.86 then those who are in service (Draughtsman) as on 1.1.86 were very much eligible to get the benefit of the pay scale of Rs.1200-2040/- on the joining the service as Grade III Draughtsman and there was perhaps very little scope for any Lower Authority to deny the benefit of the pay of Rs.1200-2040 to Grade III Draughtsman as this is the last grade in the Draughtsman cadre.

That Sir, now in the light of the judgement passed by the Hon'ble CAT Principal Bench, New Delhi in O.A.No.1978/88 dated 31.7.92, I therefore fervently appeal to your generosity to be gracious enough kindly to reconsider my case with sympathy and kindness and I may kindly be granted pay scale of Rs.1200-2040/- w.e.f. 20.2.87. It may be mentioned here that the scale of Rs.1200-2040/- for grade III Draughtsman was admissible from 1.1.1986. Since I was appointed on 20.2.87, I was entitled to that scale only. For this act of your kindness, I shall remain ever grateful to you.

D.A. as said above.
Dated the Shillong-1

The 3rd Sept, 1996

Yours faithfully,

Sd/- Illegible

(Mrs. Swapna Dey)

Draughtsman -III

O/o the Chief P.M.G., N.E.Circle,
Shillong-793003

Copy to :

1. The Dy. Director General (SPB-I), Department of Post, Dak Bhavan, New Delhi-110001 for information, with reference to Dte's letter No.37-1/87-SPB-I (t.-I) dated 4.4.96 (Through : the Chief PMG, N.E.Circle, Shillong).
2. Ms. Praven Mahajan, Director, Dte of Public Grievances, Cabinet Sectt. Sardar Patel Bhavan, New Delhi-110001 for information. A Xerox copy of Hon'ble CAT Principal, New Delhi in O.A. No.1978/88 dated 31.7.92 is enclosed herewith in connection with my representation of my case and pass favourable orders saving me from recurring loss being sustained now.
3. Shri A.K.Kaushal, Asstt. Director General (SPN Section) O/o the Director General (Post), Dak Bhavan New Delhi-1 for information and necessary action (Through Proper Channel).
4. The Chief Postmaster General (Staff), N.E.Circle, Shillong for information and necessary action with ref. to his lr. No. Staff/35/70/85 dated 22.4.96. A copy of this Hon'ble CAT Principal, New Delhi in O.A.No.1978/88 dated 31.7.92 is enclosed for his ready reference.

Sd/- Swapna Dey.

To

Shri S. Samant,
Postmaster General
N.E. Circle
SHILLONG-793001

Sub : REVISION OF PAY SCALE OF DRAUGHTSMAN.

Respected Sir,

I beg to lay before you the following facts for favour of your kind consideration and favourable orders.

That Sir, I was appointed as Lower Grade Draughtsman (Grade.III) on 20.2.1987 in the office of the Chief Post Master General, N.E.Circle, Shillong showing the scale of pay as Rs. 260-430. This scale was in existence prior to 1.1.1973 (3rd C.P.C.). According to recommendation of the 3rd C.P.C. and accepted by the Govt. this scale was revised to the scale of Rs.330-560 which is confirmed in the Dte's letter No.23-24/85-PE.I dated 16.6.88 (copy enclosed). In the light of decision of Single Judge of Delhi High Court in Case No. 911 of 1981 the incumbents drawing scale of Rs.260-430/- before 3rd CPC should be placed either in the scale of Rs.330-560/-. 425-700 and 550-750 with effect from 22.8.73 as circulated vide Dte's Telecom No. 10-34/84-CSC dt. 17.6.86.

That Sir, according to the orders mentioned above there was no scale of Rs.260-430 in existence on the date of my appointment, as it was already revised by 3rd CPC to Rs.330-560/-. The scale was further revised by 4th CPC effective from 1.1.86 to the scale of Rs.1200-2040/-. So on the date of my appointment i.e. on 20.2.87 scale of Rs.1200-2040/- for IIIrd Grade Draughtsman was available and I should have been appointed in this scale. But I was given the scale of Rs.975-1540/- against a pre-revised scale of Rs.260-430 which was in existence prior to 1.1.1973 (3rd C.P.C.).

That Sir, since I was given lower pay scale which was not in existence on the day of my appointment, I represented to the authority to regularise the anomaly on the basis of orders mentioned in foregoing paras, But no satisfactory reply has yet been received from the authorities. However, an order has now been issued by the Chief P.M.G., N.E.Circle, Shillong under No. Staff/35-70/85 dated 3.2.95 placing me in the scale of Rs.1200-2040/- with effect from 20.2.94 under

Annexure-15 (Contd.)

ref. to the Dte's No. 22-24/94-P.E.II dated 28.11.94
(Copy enclosed).

That Sir, I have submitted one representation on 23.5.97 addressed to Director General, Deptt. of Post, New Delhi (Copy enclosed) along with a copy of Judgement issued by the CAT Principal Bench, New Delhi in O.A. No. 1978/88 filed by All India E & T Civil Wing, non gazetted Employees Union Vs. Union of India. A copy of order issued by the D.O.T. is enclosed for your ready reference and I would request your kind self to kindly pursue with the Directorate personally for settlement of this long pending case and I shall remain ever grateful to you.

Dated Shillong
the 12th Aug 97.

Yours faithfully,

Sd/- Swapna Dey
Draughtsman -III
Postal Civil Division
Shillong

Annexure-16

DEPARTMENT OF POST : INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E.CIRCLE
SHILLONG

To

Smti Swapna Dey,
Draughtsman-III
Postal Civil Division
Shillong-1.

No. Staff/35/70/85

Dated at Shillong the
15.9.97

Sub : Revision of pay scale of draughtsman.

Ref : Your repn. dtd. 12.8.97.

I am directed to inform that your case cannot be considered at this stage, since Directorate has already examined and decided the case earlier.

Sd/- P.K.Majumder

(P.K.Nandi Majumder)
Asstt. Postmaster General (Staff)
for Chief Postmaster General
N.E. Circle, Shillong

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E.CIRCLE,
SHILLONG

MEMO NO. STAFF/35-78/85 (L) Dated at Shillong the 15.03.2000

ORDER

Gone through the representation of Smt. Swapna Dey, Lower Grade Draughtsman, Circle Office, Shillong (now attached to Postal Civil Division), last one being that of dated 20.9.99 regarding her request to grant her the scale of pay of Rs.1200-2040/- i.e. at par with Draughtsman Grade III of Central Public Works Department from the date of her appointment in the Department in accordance with the Ministry of Finance (Department of Expenditure) O.M. No. F.5959)-E.III/92 dated 13th March 1984. It is stated that the representationist had filed an application before Hon'ble CAT, Guwahati Bench vide O.A.No. 260/97 on this issue. Hon'ble CAT in their order dated 31.8.99 directed that the representations of the applicant should be considered afresh and a speaking order supported by the facts and reasons should be issued. In pursuance of the said order of Hon'ble CAT, Guwahati Bench the following order is being issued.

2. Smt. Swapna Dey was appointed as Lower Grade Draughtsman in the Circle Office vide letter No. Staff/35-70/85 dated 20.2.87. The post to which she was appointed carried the pay scale of Rs.260/-430/- which was revised to Rs.975-1540/-. Subsequently Smt. Dey represented that she should be granted scale of pay of Rs.1200-2040/- instead of Rs.975-1540/- as the pre-revised scale of the later i.e. Rs.260-430/- was not in vogue at the time of her recruitment in 1987 as the said scale was revised to Rs.230-560/- (Revised Rs.1200-2040/-) vide Ministry of Finance O.M. No. F.5 (59)-E.III/82 dated 13th March, 1984. The representations submitted by the official from time to time were examined. Finally the Department of ~~Public Works~~ Posts in their letter No. 37-1-/87-SPB-I (Pt.I) dated 4.4.96 conveyed that the representation of Smt. Dey was examined by them and they did not find any ground to interfere on her behalf. As such the representation was rejected. Smt. Dey was informed about the disposal of her representation by the Circle Office vide letter No. Staff 35/70/85 dated 16/22.4.96. The representations of Smt. Dey were re-examined in pursuance of the order of Hon'ble CAT, Guwahati Bench dated 31.8.99. The plea of Smt. Dey is that she was appointed as

Attest
[Signature]

Lower Grade Draughtsman in Feb, 1987 in the scale of pay of Rs. 975-1540/- which was not in existence. The main ground of her plea that the said scale was revised by Ministry of Finance in their O.M. No. F.5(59)-E.III/82 dated 13th March, 1984. It is seen from the said O.M. of Ministry of Finance that the original scale of Draughtsman Gr.III Rs. 260-430/- (re-revised) was revised to that of Rs. 330-560/- (Pre-revised) on the basis of award of Board of Arbitration w.e.f. 13.5.82. However, the said O.M. has stipulated that the revision of scale of pay is contingent upon the fact that their recruitment qualifications are similar in those prescribed in the case of Draughtsman (Grade-III) in Central Public Works Department. The O.M. further stipulated that those who do not fulfill the above qualifications will continue in the pre-revised scale i.e. Rs.260-430/- in the instant case. It is seen from the requisition sent by the Circle office to Employment Exchange for filling up the post of Lower Grade Draughtsman vide this office letter No. Staff/26-15/77 dated 18.8.84 (against which Smt. Dey was recruited) that the qualifications prescribed for the past are as below :

"Matriculation with either two years experience in the line ~~xxxEmployxxx~~ in Govt. Deptt. Or a Firm or repute or a Diploma or Certificate in Civil Engineering or Draughtsman's course recognised by the Govt. of India."

In comparison it is observed that the qualifications for the post of Draughtsman Grade-III in Central Public Works Department as given in their Manual Vol.I (Staff, Establishment, Organisation and Office Procedure) (1992 Edition) is,

"In respect of Draughtsman Grade-III (Civil/Mech) recruitment to fill up vacancies to the extent of 95% is done through the local Employment Exchange or Press Advertisement as the case may be. The minimum qualification for this post are diploma in Draftsmanship from a recognised Institution and experience of not less than two years' duration including practical training of 6 months. Age limit in this case also is 18-25 years."

From the above, it is obvious that the qualification for the post of Lower Grade Draughtsman in Circle Office is lower than that for the post of Draughtsman Grade-III in C.P.W.D. Therefore the plea of the representationist that she is entitled to the scale of pay of Rs.1200-2040/- from the date of her appointment is not tenable as the qualifications prescribed for her post are not at par with those prescribed for the

Annexure-17 (Contd)

Post are not at par with those prescribed for the post of Draughtsman Grade III in C.P.W.D. The O.M. of Ministry of Finance has categorically stipulated that the scale of pay would be revised only in cases of posts where the recruitment qualifications are similar to those prescribed in the case of Draughtsman (Gr.III) in CPWD. Further, it is also clear from the Ministry of Finance (Department of Expenditure) O.M. No. 13(1)-IC/91 dated 19.10.1994 that the scale of pay of Rs.260-430/- (Pre-revised) was applicable to Draughtsman Grade-III. In the said O.M. the scale of pay of Rs.260-430/- was revised to Rs.330-560/- irrespective of their recruitment qualifications subject to the fact that the official has rendered minimum period of service in the scale of pay of Rs.975-1540/- for 7(seven) years for its revision to Rs.1200-2040/- (Pre-revised Rs.260-430/- to Rs.330-560/-).

3. From the above, it is clear that the scale of pay of Rs.260-430/- (Revised to Rs.975-1540/-) was in existence in February, 1987 when Smt. Dey was recruited to the post of Lower Grade Draughtsman in Circle Office against the said scale of pay and she was entitled for the said scale of pay only. This particular scale of pay was revised in Ministry of Finance vide O.M. No. 13(1)-IC/91 dtd. 19.1.94 to Rs.1200-2040/- subject to completion of 7(seven) years by the official in the scale of pay of Rs.975-1540/-. In pursuance of the said order Smt. Dey was placed in the scale of pay of Rs.1200-2040/- after completion of 7 years w.e.f. 20.2.94 vide this office letter No. Staff/35/70/85 dated 3.2.95.

4. In view of the facts stated above, there appears to be no reason for grievance on the part of Smt. Swapna Dey, Lower Grade Draughtsman. Accordingly the representation of Smt. Swapna Dey is hereby rejected.

Sd/- S. Samant

(S. Samant)

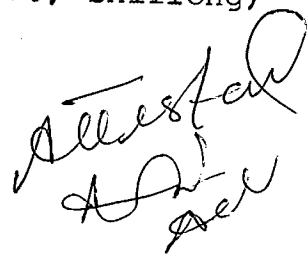
Chief Postmaster General

Smt. Swapna Dey
Draughtsman

(Through Executive Engineer, P.C.D., Shillong)

Copy to :

Office.



DEPARTMENT OF POSTS
OFFICE OF THE POSTMASTER GENERAL, N.E. CIRCLE SHILLONG-793003

Memo No. Staff/26-15/77 Dated Shillong the 16th ~~XXXX~~
October, 1985.

In partial modification of this office memo of even no. dated 1.10.85, Smt. Swapna Dey a short duty Lower Grade Draughtsman was engaged for 8(eight) hours from 9.30 to 17.30 hours during the period from 5.9.85 to 1.10.85, except on 7th & 8th Sept '85 on which she was engaged for 7 hours from 10.00 to 17.00 hrs.

She may be paid on hourly wages basis @ Rs.2.75 paise (Rupees two and paise seventy five) only per hour accordingly for the period from 5.9.85 to 1.10.85 excluding Saturday/Sundays/Holidays.

Other conditions of this office memo of even no. dated 1.10.85 will remain unchanged.

Sd/- L.Munga
Asstt. Director (Staff)
for Postmaster General,
N.E.Circle, Shillong.

Copy to :-

1. The Asstt. Director (C/Cs), C.O. Shillong.
2. The Director of Accounts (Post-1), Calcutta, through A&P Sec, C.O., Shillong.
3. The JAO (B), C.O. Shillong.
4. The APMG (PMI) C.O. Shillong.
5. The A.E. (MOW), C.O., Shillong.
6. The O/S, C.O., Shillong.
7. Smt. Swapna Dey,
8. PF of Smt. Swapna Dey
9. The S.S. A&F Sec, C.O. Shillong.
10. O/C

Sd/- Illegible
for Postmaster General,
N.E.Circle, Shillong

INDIAN POSTS AND TELEGRAMS DEPARTMENT
OFFICE OF THE POSTMASTER GENERAL, N.E. CIRCLE, SHILLONG

To

Smti Swapna Dey
C/o Sri P.C.Dey UDC,
C.O. Shillong

No. Staff/26-15/77 Dated Shillong the 15th October 1984

Sub : Recruitment to the cadre of Lower Grade Draughtsman
in the scale of Rs.260-430/- P.M.

Sir,

The date of interview for the above recruitment notified under this office letter of even No. dated 28.9.84 is changed and refixed for 27th October, 1984 (Saturday) as 24th Oct '84 falls on holiday. Other particulars remain unchanged.

Yours faithfully,

Sd/- L. Munga

Asstt. Director (Staff).
for Postmaster General,
N.E. Circle, Shillong-793001

Copy to the G.M.T., N.E. Telecom Circle, Shillong. He is requested to nominate one TES Group 'A' Officer in the ~~senior~~ seale to attend the Selection Board's meeting on 27.10.84 at the place and time notified in this office letter of even no. dated 28.9.84.

Sd/- Illegible
for Postmaster General
N.E. Circle, Shillong.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

G.C.No.161 of 1987

Sri Monomohan Medhi : Applicant

-vs-

The D.E.Phones, Ghy & Ors : Respondents

G.C.No.162 of 1987

Sri Ranjan Kumar Deb : Applicant

-vs-

The D.E., Phones & Ors : Respondents

G.C.No. 185 of 1987

Sri Ranjit Kumar Dutta : Applicant

-vs-

The D.E.Telegraphs : Respondents

Shillong & Ors.

G.C.No. 186 of 1987

Sri Manik Chandra Deb : Applicant

-vs-

The Regional Traffic Supdt. : Respondents
Telephone & Ors.

The Hon'ble Justice Shri D.Patha, Vice-Chairman

For the Applicants in all cases: Sri B.Malakar, Advocate

For the Respondents in all the : Sri S.Ali, Sr.C.G.S.C.
cases.

Date of Judgement & Order : The 3rd day of August, 1988

JUDGEMENT & ORDER

PATHAK J.

The four applications under Section 19 of the
Administrative Tribunal Act 1985 involve the similar

Contd..

Attestd
Sd/-
Adm

question and accordingly they have been disposed of by a common judgement. All the applicants are Draughtsman Grade II (C) D.E.T., working under the respondents.

2. Applicant, Monomohan Medhi was appointed as Draughtsman on 10.7.1970; applicant Ranjan Kumar Deb was appointed as Draughtsman on 3.1.1968; applicant, Ranjit Kumar Dutta was appointed as Draughtsman on 23.12.1967; and applicant, Manik Chandra Deb was appointed as Draughtsman on 9.11.1964. The applicants were initially appointed in the scale of pay of Rs. 110-200/- per month and allowed to officiate in the scale of pay of Rs. 150-240/-. This scale of pay was revised by the Third Central Pay Commission, which stands at Rs.1400-2300/- per month. All the applicants are certificate holders in Draughtsmanship (Civil). While revising the pay scale the Third Central Pay Commission recommended that pay scales of the Draughtsman should be higher on the basis of qualification it is stated that prior to the creation of the Civil Engineering Wing of the P & T Department on 1.7.1963, the entire staff of Engineering Department was a Wing of the C.P.W.D. known as the P & T Wing, with the creation of the Civil Engineering Wing, those staff of the P & T Wing were transferred under the control of the P & T department. It is stated that the qualification prescribed for the post of Draughtsman Grade II is matriculate with ~~the~~ a certificate or from a recognised institution of not less than two years' duration including practical experience of six months. These applicants

3. The Third Pay Commission set up on 2.4.1970 recommended the scale for the Grade II Draughtsman as Rs.425-700/- per month. The recommendations of the Third

Pay Commission was not implemented by the Government for the Draughtsman of the C.P.W.D. though the counterparts in certain other organisations were given the scales. A job-evaluation study of the work of the Ferraprinters and Draughtsman in the C.P.W.D. was undertaken in pursuance of the discussion in the Departmental Council (JCM) of the Ministry of Works and Housing. This was with the objects of finding out the nature of the jobs of Draughtsman with a view and revision of scales of the staff. They submitted the report was not implemented.

4. It is stated that the Third Pay Commission in its report observed that the categories of staff employed in the P & T Engineering Wing were the same as in the C.P.W.D. with similar conditions of recruitment and tuies and recommended that they be placed in the pay scales recommended for the corresponding categories in the C.P.W.D. The CPWD on the award given by the Board of Arbitrators agreed to implement the scales with effect from 1.1.1973 (notionally) in accordance with the award and arrears have been allowed with effect from 16.11.1978. The categories of staff employed in the P & T Engineering Wing inducted into the same scale of pay as was prescribed by the Third ~~xxxxxx~~ Pay Commission for the corresponding categories of staff employees of the C.P.W.D. The categories of staff employed in this Wing are the same as in C.P.W.D. with similar conditions in recruitment. Their qualifications for recruitment and duties are identical to the Draughtsman of the C.P.W.D.

5. It is submitted by the applicants that the scale of pay which have been given effect to in the case of Draughtsman working in other Central Government establishments

Contd...

Annexure-20 (Contd)

have not been given effect to in the case of the applicant by the P & T authority. It is submitted that this is a violation of the principles laid down in Articles 14 & 16 of the Constitution in respect of equal pay for equal work. The petitioners, therefore, pray for an order holding that identical post has been treated differentially in the matter of fixation of pay merely because they belong to different department.

6. The applicants pray the following relief :

- i) The applicants be given pay scale in terms of the Third Pay Commission notionally with effect from 22.8.1973.
- ii) The applicants be given actual benefit with effect from 16.11.1978.
- iii) In the prayer portion, the applicants have mentioned that they have been given the scale with effect from 13.5.1982 (notionally) and actual benefit being given with effect from 1.11.1983.

Thus it appears that the main grievance of the applicants is that they have not been paid the benefit of the scale of pay in terms of the Third Pay Commission with effect from 16.11.1978 to 31.10.1983.

7. The respondents have not filed any written statement except in G.C. No. 162/87 to refute any of the statements made by the applicants. However, I have heard Mr. S. Ali, the learned Sr. C.G.S.C., appearing on behalf of the respondents, at great length and very carefully have considered the same. But a thing of substance has been made out to deny the relief to the applicants.

8. Mr. B. Malakar, the learned counsel for the applicants, submits that as the Award of the Board of Arbitrators was not implemented by the P & T Department, certain employees of

Department working in New Delhi approached the High Court of Delhi in Shri Dharam Vir Sehdev and Others versus Union of India and Another, registered Civil Writ Petition No. 911/81, and on hearing the parties, the High Court was pleased to grant by an order dated 22.2.1984 a declaration that the employees (Petitioners) were entitled to the scale of pay as per recommendations of the Third Pay Commission and directed that their pay be fixed notionally with effect from 22.8.1973 and arrears be paid with effect from 16.11.1978 and the pay of the petitioners were revised accordingly.

With the above direction, the application was allowed.

9. Mr. Malakar has, however, brought to our notice that against the aforesaid judgement and order of the Delhi High Court a Writ Appeal registered as LPA 109/83 is pending in the court. It is also pointed out that against the order of the Delhi High Court, the Department moved the matter before the Hon'ble Supreme Court which stood dismissed on withdrawal by the Government in petition for special leave to appeal (Civil) No. 16720/85).

10. I have myself gone through the judgement passed by the Delhi High Court in the aforesaid case. After perusal of the judgement, I do not have any hesitation to accept the views expressed by the learned Single Judge of the Delhi High Court in Dharam Vir Sehdev (Supra). The learned counsel for the applicants has also brought to my notice a copy of an order dated 17.6.1986 of the authority, which has been enclosed alongwith the application giving effect to the judgement of the learned Single Judge

of the Delhi High Court. This order reads as under :

" In the light of the decision of Single Judge of Delhi High Court in W.P. No. 911 of 1981 declaring that the petitioners are entitled to the scale of pay of Rs. 330-560, Rs.425-700, Rs.550-750 with effect from 22nd August, 1973. It has been decided to grant revision of pay scales to officials as the petitioners Shri D.V.Sahadev, Shri R.N.Madan and Shri D.N.Verma were drawing in the scale of pay of Rs.260-430 on 22.8.1973. They may be placed in the corresponding revised scale of pay Rs.330-560 notionally with effect from 16.11.1978.

This benefit of revised pay scale is subject to their revision in the light of judgement of divisional bench of Delhi High Court in LPA No. 109 of 1986."

The petitioners have also enclosed a copy of the order of the Hon'ble Supreme Court arising out of the Judgement of the learned Single Judge of the Delhi High Court in the above cases. The order of the Hon'ble Supreme Court reads as under :

" SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition for special leave to appeal (Civil)
No.16720 of 1986 (from the judgement and order dated 12.9.85 of High Court of Delhi in dismissing C.M.P. No. 1618/85 (writ petition) in Patent appeal No.

The Union of India and ANR - Petitioners
Dharamvir Sehdev &
others
Respondents

(with application for exemption)

Date : 31.3.86 : This petition was called on hearing today.

Coram Hon.

Hon. Mr. Justice A.P.Sen,
Hon. Mr. Justice M. Khalid.

For the petitioners : Mr. Batta, A.S.G.
Mr. S.K. Gambhir
Mr. C.C. Subba Rao
Mr. R.D. Agarwal (Advocates)

For the respondents : Mr. G.C. Gupta, Advocate.

Upon hearing counsel, the Government made the following order.

Special Leave petition petition is dismissed as withdrawn.

Sd/- P.K. Basu
Court Master."

11. On the conspectus of the facts and circumstances and for the reasons stated above we do not find any justification in denying the fixation of pay in terms of the Third Central Pay Commission in favour of the applicants. Accordingly it is held that the applicants are entitled to the scale of pay in terms of the Third Central Pay Commission as have been given to the corresponding category of employees in the Central Public Works Department with effect from August, 22, 1973. It is further directed that the pay of the applicants may be notionally fixed with effect from August 22, 1973 in the revised scale and arrears if any, be allowed with effect from November 16, 1978.

12. In the above order the applications are allowed but in the facts and circumstances of the case, I pass no order as to costs.

Sd/- Illegible 3.8.88
Vice-Chairman

Attested
A. M.
A. M.

No.15-30/88-CSE

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS
NEW DELHI-110 001

Dated 19th July, 1993

ORDER

Subject : Revision of pay scales of Draughtsmen of the P & T Civil Wing at par with Draughtsmen of the CPWD consequent on CAT, Principal Bench Judgement dated 31.7.1992 in O.A. No.1978/88.

.....

In pursuance of the judgement of the CAT, Principal Bench, New Delhi, in O.A. No. 1978/88 filed by All India P & T Civil Wing Non-Gazetted Employees Union Versus Union of India, sanction of the Telecom Commission is hereby accorded for revision of the scales pay of Draughtsmen of P & T Civil Wing as under :

1. Draughtsmen appointed/promoted prior to 1978.

The scales of pay of Draughtsmen appointed/promoted to the following grades prior to 1978 are revised as follows :

Grade	Revised scale of pay	Pay scale w.e.f. 1.1.1986.
Draughtsman Gr.III	Rs.330-560	Rs.1200-2040
Draughtsman Gr.II	Rs.425-700	Rs.1400-2300
Draughtsman Gr.I	Rs.550-750	Rs.1600-2660

The revised pay scales are admissible to the official in the three grades notionally w.e.f. 22.8.1973 or from the dates they were appointed/promoted to the grades, whichever is later. The actual monetary benefit accrues to them from 16.11.1978 only.

2. Draughtsmen Gr.II appointed after 1978.

The scale of pay of the officials appointed to Draughtsmen Gr. II (Redesignated as Junior Draughtsman) after 1978 is revised to Rs.425-700 (Rs.1400-2300 w.e.f. 1.1.1986) from the date they were appointed to the post. The actual monetary benefit accrues to these draughtsmen from the dates of their appointment to the grade.

3. Draughtsmen promoted to Draughtsmen Gr.I (Senior Draughtsmen) after 1978.

The scale of pay of all the Draughtsmen promoted as Draughtsman Gr. I (Senior Draughtsman) after 1978 is revised to Rs.550-750 (Rs.1600-2660) w.e.f. 1.1.1986) from the date of their promotion to the grade. The actual monetary benefit accrues to these Draughtsmen from the date of their promotion to the grade.

Contd...

4. In case the Draughtsmen whose pay scales had already been revised earlier in pursuance of CAT judgement have not derived the same benefit as indicated above, they may be extended the benefit of revision of pay scale as ordered now.

5. The revision of the scales of pay ordered above is subject to the condition that the Draughtsmen of P & T Civil Wing receiving monetary benefits on such revision shall give an undertaking in writing that they shall refund the amount received on such revision, in case the L.P.A. No. 109/84 pending in the Division Bench of Delhi High Court (UOI Vs. Dharam Vir Sahadev and 2 others) ~~xxxxxxx~~ is decided in favour of the Government. This stipulation has been laid down by the Hon'ble Supreme Court of India while disposing of the SLP filed by the Government in the above case vide Supreme Court order dated 16.4.1993 in CC 19204/93.

6. As the amount paid on account of the implementation of the judgement is liable for recovery in the event of judgement pending in the LPA in the Delhi High Court goes in favour of the department, details of payments made from time to time may be kept by the field units.

7. This supersedes the earlier order/letters issued on this subject (No. 10-15/83-CSE dated 12.9.84 and No. 10-34-CSE dated 16.9.87).

8. This issued with the concurrence of Ministry of Finance, Department of Expenditure vide their U.O. 12(26) IC/92 dated 28.6.1993 and Telecom. Finance vide their Dy. No. 1967/93 F-I dated 9.7.93.

Hindi version will follow.

Sd/- K.S. Chandrahasan

(K.S.CHANDRAHASAN)

ASSTT. DIRECTOR GENERAL (C.W.)

Copy to

1. All Heads of Telecom. Circles/Telephone Distts/Chief G.M., NTR, New Delhi.
2. All Chief Engineers (Civil)/(Elect.) of DOT/DOP.
3. All SEs (Civil) (Elect.) SSW (Civil/Elect.) DOT/DOP.
4. Ministry of Finance, Deptt. of Expenditure, New Delhi w.r.t their U.O.No. 12(26)-IC/92 dated 28.6.93.
5. FA-I/TE-II/NCG/Admn.I/TFS Section of DOT.
6. All India P & T Civil Wing Non-Gazetter Employees Union, Central HQ, T-16, Atul Grove Road, New Delhi-1.

Sd/- N. Raja

Section Officer (C.S.E.)

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5/9/2000
Recd by
(A. DEBROY)
Sr. C. G. S. C.
C. A. T., Guwahati Bench

18 SEP 2000
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 210 OF 2000

Mrs. Swapna Dey ... Applicant

Vrs.

Union of India & Others ... Respondants

IN THE MATTER OF

Written statement submitted by Respondants

No. 1, 2 and 3.

(WRITTEN STATEMENT)

BRIEF HISTORY, which may be treated as a part of written statement.

Smti Swapna Dey was appointed in the scale of Rs. 975-25-1150-ED-30-1540 plus other allowances as admissible from time to time in the post of Lower Grade Draughtsman under CPMG/Shillong memo No. Staff/35-30/85 dated 20-2-1987.

At a later date the official represented for a higher pay scale of Rs. 1200-2040 w.e.f., the date of her appointment which was rejected under CPMG/Shillong letter No. AAO(BGT)/13-7/87-88

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dated 27-6-91. However, she represented again and the case was referred to Directorate under No. Staff/35-70/85 dated 29-11-94. In the meantime, in pursuance of para 2(1) of Dte's letter No. 23-24/94-PE.II dated 28-11-94 circulated under CPMG/Shillong letter No. Est/34-46/84 dated 19-12-94 the official was placed in the scale of Rs. 1200-2040 w.e.f., 20-2-94.

However, the official being dis-satisfied represented again to be given the scale of Rs. 1200-2040 w.e.f., the date of appointment i.e., 20-2-1987 but the Postal Dte., rejected the same under No. 37-1/97-SPE-I(Pt.I) dated 4-4-96 and the same was conveyed to the official.

After a few more representations with the same result, the official approached the Hon'ble CAT, Guwahati for redressal of her grievances and files an application before the Hon'ble CAT, Guwahati under OA No. 260/97.

Hon'ble CAT, Guwahati in their order dated 31-8-99, directed that the representations of the applicant should be considered afresh and order issued supported by facts and reasons.

In pursuance of the said order of the Hon'ble CAT, Guwahati the case was examine again and the representation of Smti Swapna Dey, L.G. Draughts-man was rejected as there appeared to be no reason for grievance on her part.

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The aggrieved official has now filed OA No. 210/2000 in Hon'ble CAT, Guwahati again seeking direction to grant her the pay scale of Rs. 1200-2040 w.e.f., 20-2-87 with all consequential benefits.

1. That with regard to paras 1, 2, 3, 4.1 and 4.2 the respondents beg to offer no comment.

2. That with regard to para 4.3 the respondents beg to state that the original scale of D.Man Gr.III of Rs. 260-430 was received to 330-560 under MOF OM No. F5(59)-E.III/82 dated 13-3-1984 with the stipulation that the recruitment qualifications are similar to those prescribed in the case of Draughts-man (Grade-III) in CPWD. The OM further stipulated that those who do not fulfill the qualifications will continue in pre-revised scale of Rs. 260-430. (Revised Scale Rs. 975-1540).

In the instant case, the requisition sent by Circle Office, Shillong to E/Ex. for filling up the post of L.G. Draughtsman under letter No. Staff/26-15/77 dated 18-8-84 against which Smti Dey was recruited – the prescribed qualification was “Matriculation with either two years experience in the line in Govt. Deptt. or a firm of repute or a diploma or a certificate in Civil Engineering or Draughtsman's cause recognised by the Govt. of India”.

Whereas the minimum qualification for Draughtsman Grade III in CPWD as per their manual (1992 Edition) is Diploma in Draughtsmanship from a recognised institution and experience of not less than two years duration including practical training of 6 months.

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From the above it is clear that the qualification for L.G. Draughts-man in Circle Office is lower than that of Draughts-man III in CPWD and she was rightly placed on scale of Rs. 975-1540 (Pre-revised 260-430). Therefore the plea of the applicant that placing her in the scale of Rs. 975-1540 as L.G. Draughtsman is violative of article 14 and 16 of the constitution is not tenable.

Copy of M.O. dated 13-3-1984 is annexed hereto and marked as ANNEXURE-I, letter dated 18-8-84 marked as ANNEXURE-II and copy of CPWD Manual is marked as ANNEXURE-III.


3. That with regard to para 6.4 the respondents state that the scale of pay of Rs. 1200-2040 was not applicable in her case. Reasons as explained at para-4.3 above.

4. That with regard to para 6.5 the respondents state that representations submitted by the applicant were carefully considered by the competent authority and were rejected.

5. That with regard to para 4.6 the respondents beg to say that, the reply is as in para 4.3 above.

6. That with regard to para 4.7 the respondents beg to offer no comments.

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7. That with regard to para 4.8 the respondents beg to say that the reply is as in para 4.3 above.

8. That with regard to para 4.9 the respondents state that G.O.I., Ministry of Communication circular No. 22-5/92-TE.II dated 23-8-93 is regarding revision of pay scales of Draughtsman in the Deptt. of Telccom (Telccom Wing) and meant for Telccom staff only.

Moreover, the recruitment qualification of L.G. Draughtsman is lower than Draughtsman Gr.III which has been explained at para 4.3.

She was given the higher scale w.e.f., 20-2-94 i.e., on fulfillment of conditions stipulated in MOF OM No. 13(1)-IC/91 dated 19-10-94. Copy of OM dated 19-10-94 is annexed as ANNEXURE-IV.

9. That with regard to para 4.10 the respondents state that it is clear from MOF OM No. 13(1)-IC-91 dated 19-10-94 that the scale of 260-430 (Pre-revised) was applicable to D.Man Gr.III. In the said OM the scale of pay of Rs. 260-430 was revised to 330-560 irrespective of their recruitment qualification subject to the fact that the official has rendered minimum period of service in the scale 975-1540 for 7 years for its revision to Rs. 1200-2040 (Pre-revised 260-430 to 330-560). Accordingly Smti Dey was given the benefit w.e.f., 20-2-1994 accordingly vide memo No. Staff/35/70/85 dated 3-2-95. Copy of memo dated 3-2-95 is annexed as ANNEXURE-V.

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10. That with regard to paras 4.11, 4.12, 4.13 and 4.14 the respondents beg to offer no comment.

11. That with regard to para 4.15 the respondents beg to say that the reply is as in para 4.3 above.

12. That with regard to para 4.16 the respondents beg to state that GOI, Ministry of Communications, DOT circular No. 15-30/88-CSE dated 19-7-93 is regarding revision of pay scales of Draughtsman of P&T Civil Wing as per with Draughtsman of the CPWD.

This is not applicable in the instant case as recruitment qualification of L.G. Draughtsman is lower Draughtsman Gr.III of CPWD.

~~13.~~ That with regard to para 4.17 the respondents beg to say that this relates to revision of pay scale of Draughtsman Gr.III whose scale of pay was 205-280 prior to 3rd CPC i.e., 121-73 and not relates to the applicant. Applicants pay scale was 260-480 after the 3rd CPC which was revised to 975-1560 by 14th CPC. Copy of recommendation of 3rd CPC is annexed hereto and marked as ANNEXURE-VI.

The applicants pay scale was revised as per MOF No. 13 (1)-IC/91 dated 19-10-94 circulated vide Postal Dte's No. 23-24/94-PE.II dated 28-11-94. Copy of MOF dated 19-10-94 and circular dated 28-11-94 are marked as ANNEXURE-VII.

14. That with regard to para 4.18 the respondents beg to say that the reply is as in para 4.3 above.

15. That with regard to para 4.19 the respondents beg to offer no comments.

16. That with regard to para 5.1 the respondents beg to say that the reply is as in para 4.3 above.

17. That with regard to paras 5.2, 5.3, 5.4 and 5.5 the respondents beg to say that this is not applicable in the instant case as the recruitment qualification of L.G. D. Man is lower than that of D. Man Gr.III of CPWD.

18. That with regard to para 5.6 the respondents beg to say that Smti Dey was recruited to the post of L.G. D. Man in Circle Office against the scale of Rs. 260-430 and she was entitled to that scale only as the scale was in existence at that time.

This particular scale was revised in MOF OM No. 13(1)-IC/91 dated 19-1-94 to Rs. 1200-2040 subject to completion of (7) seven years service by the official in the pay scale of Rs. 975-1540 (Annexure-IV & V).

Accordingly Smti Dey was given the benefit w.e.f., 20-2-1994 under this office letter No. Staff/35/70/85 dated 3-2-95.

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(87) 102

19. That with regard to paras 5.7, 5.8 and 5.9 the respondents beg to say that this is not applicable in the instant case as the recruitment qualification of L.G. D. Man is lower than that of D. Man Gr. III of CPWD as explained in para 4.3.

20. That with regard to para 5.10 the respondents beg to say that no rule have been violated.

21. That with regard to paras 6 and 7 the respondents beg to offer no comment.

22. That with regard to para 8 the respondents beg to say that for the reasons stated in fore-going paras no relief is admissible to the applicant. The petition therefore may kindly be dismissed.

VERIFICATION

I Shri Niranjan Das being authorised do hereby declare that the statement made in the written statement are true to my knowledge, information and belief. No material facts has been suppressed.

And I sign this Verification on the 5th day of Sept 2000.

Niranjan Das
Declarant
D. D. (M. A. C. P. S. Post office) - 793001
N. E. Circle, Shillong-793001

9

88

109

Annexure-1

No F.5 (59)-E.III/82
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF EXPENDITURE)

New Delhi, the 13th March, 1984

OFFICE MEMORANDUM

Subject : Revision of pay scales of Draughtsman Grade III
II, I in all the Government of India offices
on the basis of the award of Board of Arbitra-
tion in the case of Central Public Works
Department.

The undersigned is directed to state that the committee of the National Council (Joint Consultative Machinery) was set up to consider the request of the staff side that the following revised scales of pay allowed to the Draughtsman Grade-I, II, and III working in Central Public Works Department on the basis of the Award of Board of Arbitration may be extended to Draughtsman Grade I, II and III in all Government of India offices :-

	Original Scale	Revised scales of the Award
Draughtsman Grade I	Rs. 425-700	Rs. 550-750
Draughtsman Grade II	Rs. 330-580	Rs. 425-700
Draughtsman Grade III	Rs. 260-430	Rs. 330-560

2. The President is now pleased to decide that the scale of pay of Draughtsman Grade-I, II, III in the offices/departments of the Government of India, other than the Central Public Works deptt. may be revised as above provided their recruitment qualifications are similar to those prescribed in the case of Draughtsman in Central Public Works Department. Those who do not fulfil the above recruitment qualification will continue in the pre-revised scales. The benefit of this revision of scales of pay would be given notionally with effect from 13.5.1982.

3. Hindi version will follow.

sd/-

Deputy Secretary to the Government
of India.

To

All Ministries/Departments of the Government of India
(As per Standard list with usual number of spare copies.)

Annexure II

(10)

REGISTERED

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE POSTMASTER GENERAL, N.E.CIRCLE, SHILLONG-793001.

Memo No. Staff/26-15/77

Dated at Shillong the 18-8-84.

To

The Employment Officer,
Employment Exchange,

Sub:- Recruitment to the Lower Grade Draughtsman in the office
of the P.M.G. N.E.Circle, Shillong.

Sir,

I write to state that recruitment to the post of Lower
Grade Draughtsman in the scale of pay of Rs.250- 430/- is being made
for this office.

A formal requisition in the prescribed proforma is sent
herewith. You are requested to kindly sponsor not more than two
candidates from your exchange by 10-9-84. Notices will be issued direct
to the candidates sponsored by you for the test and interview when the
dates are fixed.

Yours faithfully,

(L.Munga) 18/8
Asstt. Director (Staff)
For Postmaster General,
N.E.Circle, Shillong.

Copy to :-

All the Divisional Supdts/ Directors of Postal Services,
in N.E.Circle to advise with the local Employment Exchanges at their
places to sponsor the candidates early and to notify amongst the
qualified departmental candidates, if any, within their respective
Divisions.

For Postmaster General, 18/8/84
N.E.Circle, Shillong.

APPENDIX-I(13)

Requisition form to be used when calling for applicants from
Employment Exchanges for Recruitment to Central Govt. of Vacancies.

1. Office/Department and address :- P.M.G's Office, P&T Deptt.
Postmaster General, N.E.Circle,
Shillong-793001.
2. Name and designation of indenting officer. :- Postmaster General, N.E.Circle,
Shillong-793001.
3. Name and designation of the officer to whom applicants should report. :- Postmaster General, N.E.Circle,
Shillong-793001.
4. Date, time and place of interview. :- Will be communicated direct to the candidates.
Lower Grade Draughtsman.
- 5.(a) Designation of the post to be filled. :-
- (b) Scale of pay and allowances. :- Rs. 260-8-300-FB-8-340-10-380-EB-10-430 plus allowances admissible.
- (c) Place of work :- P.M.G'S Office, Shillong.
- 6(a). Number of posts to be filled :- 1 (One).
- i) Reserved for Scheduled Castes :- Priority } Nil.
Non-Priority }
- ii) Reserved for Scheduled Tribes :- Priority } Nil.
Non-Priority }
- iii) Unreserved -- Priority :- 1(One).
Non-Priority :- Nil.

(b) Duration of vacancies -----:-

Permanent.	Temporary less than 3 months.	Temporary between 3 months & 1 Yr.	Temporary likely to continue beyond 1 yr.
<u>1</u>			Yes.

7. Qualifications required including age limit.

:- 18 to 25 years on 1st July, 1984.

a) Priority - candidates (i) Essential:-

Matriculation with either two years experience in the line in Govt. Deptt. or a Firm of repute or a Diploma or Certificate in Civil Engineering or Draughtsman's course recognised by the Govt. of India

b) Non-Priority-candidates (i) Essential:-

Ferro-Printers who renders 3 years service in the Grade and possessed educational qualification for direct recruitment upto the age of 35 years.

(ii) Desirable:-

(12)

--2--

8. Whether willing to wait and consider :- Not willing. No objection for
applicants from other Exchange areas
in case local applicants are not
available. advertising in News Papers.
May be given if no adequate
candidates are ~~be~~ sponsored by
the E/Exchange.
9. Any other information considered :- The candidates will have to sit
relevant. for an interview test in simple
diagramatic building drawings and
tracing and any other questions
and method the Selection Board
may like to evolve.

Certified that while placing this demand the instructions
connected with the orders on communal representation in the services have been
strictly followed with due regard to the roster maintained in accordance with
these orders.

Dated Shillong.
the 18th Aug, 1984.

Not willing. No objection for
Signature of the Head of Office.
May be given if no adequate
candidates are ~~be~~ sponsored by
the E/Exchange.

u a n i n g
:- The (M. MUNGA) 18/8/84 sit
Asstt. Director Postal (Staff) to
For: Postmaster-General, and
North Eastern Circle, Shillong
Shillong-793001. The Board
may like to evolve.

....

While placing this demand the instructions
connected with the orders on communal representation in the services have been
strictly followed with due regard to the roster maintained in accordance with
these orders.

Dated Shillong.
the 18th Aug, 1984.

Not willing. No objection for
Signature of the Head of Office.
May be given if no adequate
candidates are ~~be~~ sponsored by
the E/Exchange.



सत्यमेव जयते

केन्द्रीय लोक निर्माण विभाग

C. P. W. D.

नियम-पुस्तिका

MANUAL

भाग 1
VOLUME I

(कर्मचारी, स्थापना, संगठन और कार्यालय पद्धति)

(Staff, Establishment, Organisation and Office Procedure)

1992 संस्करण
1992 Edition

Group 'C' (Civil)

2. Draughtsman Gr. I	Rs. 1600-50-2300-EB-60-2660	S.E.
3. Draughtsman Gr. II	Rs. 1400-40-1800-EB-50-2300	S.E.
4. Draughtsman Gr. III	Rs. 1200-30-1560-EB-40-2040	S.E.
5. Ferro Printer	Rs. 825-15-900-EB-20-1200	S.E.

B—Group 'C' (Elect.)

1. Draughtsman Gr. I	Rs. 1600-50-2300-EB-60-2660	S.E.
2. Draughtsman Gr. II	Rs. 1400-40-1800-EB-50-2300	S.E.
3. Draughtsman Gr. III (O.G.)	Rs. 1200-30-1560-EB-40-2040	S.E.
4. Draughtsman Gr. III (S.G.)	Rs. 1400-40-1800-EB-50-2300	S.E.
5. Ferro Printer	Rs. 825-15-900-EB-20-1200	S.E.

XI. Isolated Posts

A—Group 'A'

1. Medical Officer Health	Rs. 2200-75-2800-EB-100-4000	President
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B—Group 'B'

1. Curator of Paintings	Rs. 2000-60-2300-EB-75-3200-100-3500	D.G. (W)
2. Fire Officer	Rs. 2000-60-2300-EB-75-3200-100-3500	Do.

Group 'C'

1. Supdt. C.W.A. Bd.	Rs. 1640-60-2600-EB-75-2900	D.G. (W)
2. Engineer Supervisor	Rs. 1400-40-1800-EB-50-2300	Do.
3. Store Keeper (Central Office)	Rs. 1200-30-1560-EB-40-2040	D.A.
4. Telephone Operator	Rs. 950-20-1150-EB-25-1500	D.A.
4A. Telephone Operator (Selection Grade)	Rs. 1200-30-1400-EB-30-1800	D.A.
5. Technical Assistant	Rs. 1640-60-2600-EB-75-2900	S.E.
6. Technical Operator	Rs. 950-20-1150-EB-25-1500	Do.
7. Fire Supdt.	Rs. 1350-30-1440-40-1800-50-EB-2200	Do.
8. Sr. Sanitary Inspector	Rs. 1450-40-1800-EB-50-2300	Do.
9. Sanitary Inspector	Rs. 1200-30-1560-EB-40-2040	Do.
10. Caretaker	Rs. 1350-30-1440-40-1800-EB-50-2200	Do.
11. Asstt. Caretaker	Rs. 1200-30-1560-EB-40-2040	S.E.
12. Radio Mechanic-cum-Operator	Rs. 1320-30-1560-EB-40-2040	S.E.
13. Asstt. Radio Mechanic-cum-Operator	Rs. 1200-30-1440-EB-30-1800	S.E.
14. Librarian	Rs. 1350-30-1440-40-1800-EB-50-2200	D.A.
15. Asstt. Librarian	Rs. 975-25-1150-EB-30-1540	D.A.
16. Sr. Hindi Translator	Rs. 1600-50-2300-EB-60-2660	D.G. (W)
17. Jr. Hindi Translator	Rs. 1400-40-1800-EB-50-2300	Do.
18. Proof Reader Hindi	Do.	Do.
19. Compounder	(i) Rs. 1200-30-1560-EB-40-2040 (for fully qualified) (ii) Rs. 1200-30-1400-EB-30-1800 (for others)	D.A. D.A.
20. Cinema Operators	Rs. 1200-30-1560-EB-40-2040	D.A.
21. Laboratory Assistant	Rs. 975-25-1150-EB-30-1540	D.A.
22. Photo Printer	Rs. 1200-30-1560-EB-40-2040	D.A.
23. Staff Car Driver	(i) Rs. 950-20-1150-EB-25-1500 (ii) Rs. 950-20-1150-EB-25-1400	Do.
24. Sr. Gestetner Operator	Rs. 950-20-1150-EB-25-1400	Do.

(Coordination) on a centralised basis and actual appointment orders are issued by the respective Superintending Engineers (See para 10 of Chapter IV).

23. Vacancies in the post of Upper Division Clerks are filled up by transfer from Central (Surplus Staff) Cell, failing which by promotion as follows:-

- (a) 37½ per cent from amongst permanent and quasi-permanent L.D.C.s on the basis of seniority subject to the rejection of the unfit;
- (b) 50% from amongst these categories subject to their qualifying in a departmental examinations; and
- (c) 12½ per cent on the basis of competitive examination limited to L.D.C.s and Telephone operators serving in the Central Office of CPWD with minimum 3 years experience in the grade.

24. Vacancies in the grade of Head Clerks are filled up by promotion to the extent (1) 50% on the basis of a limited departmental competitive examination and (2) the remaining 50% on the basis of seniority subject to the rejection of the unfit, from amongst U.D.C.s with 5 years service in the grade. Vacancies of Head Clerks are filled up by the Superintending Engineer (Coordination) concerned.

25. The vacancies in the grade of Circle Office Superintendents are filled up by promotion:-

- (1) 80% from amongst Head Clerks with 5 years regular service in the grade; and
 - (2) 20% from amongst senior grade stenographers with 5 years regular service in the grade.
- This is done by the Central Office.

Architectural Establishment

26. The appointment to the post of Chief Architectural Assistant/Senior Assistant (Architectural Department) is made by promotion from amongst the eligible Architectural Assistant/Assistant (Architectural Department) including S.G. with 8 years service in the grade. The posts of Architectural Assistant (Selection Grade)/Assistant (Architecture Department) (S.G.) are filled up by promotion of Architectural Asstts./Assistant (Architecture Department) with 5 years service in the grade. The posts of Architectural Assistants/Assistant (Arch. Deptt.) are filled up by direct recruitment through the local Employment Exchange or Press Advertisement, if considered necessary the minimum qualification being a degree in Architecture for Architectural Assistant Arch. and should be regis-

tered with the Council of Architecture and a diploma in Architecture from a recognised Institution for the posts of Assistants (Arch. Deptt.). Age limit for both is 18 to 28 years (relaxable upto 35 years in the case of Govt. Servant).

Engineering Drawing Establishment

27. The posts of Chief Estimators and Draughtsman Grade I are filled up by promotion from amongst the eligible official from the next lower rank as detailed in section 7 of this Chapter, on the recommendations of a duly constituted Departmental Promotion Committee.

28. The posts of Draughtsman Gr. II are filled up 100% by promotion as detailed in Section 7 of this Chapter from amongst Draughtsman Gr. III with 5 year service in the grade failing which by direct recruitment through the local Employment Exchange or Press Advertisement; as the case may be. Minimum qualifications for the post are a diploma in Draughtsmanship (Civil/Mech.) from a recognised institute and not less than 2 years' experience (including 6 months practical training) plus practical experience of at least one year after getting the diploma in a reputed organisation. Age limit is 18-25 years.

29. In respect of Draughtsman Grade III (Civil/Mech.) recruitment to fill up vacancies to the extent of 95% is done through the local Employment Exchange or Press Advertisement as the case may be. The minimum qualifications for this post are diploma in Draughtsmanship from a recognised Institution and experience of not less than two years' duration including practical training of 6 months. Age limit in this case also is 18-25 years.

30. (i) Ferro-Printers with a minimum of 8 years service in the grade are eligible for promotion to the grade of Draughtsman Grade III against 5% quota subject to passing a departmental test. To enable the Ferro-printers to prepare for the departmental test and to ensure that they are useful to the Divisions where they are posted, they may be posted to some Divisional Offices to get some training of the working of the Divisions and to acquaint themselves in the procedure, preparation of estimates etc. The assignment of Ferro-printers for training is done by the S.E. (Coord.) concerned and two senior-most Ferro-printers in each Zone are sent to any local Division for training for a period of three months. The Superintending Engineer (Coord.) concerned also obtain

DEPARTMENT OF POSTS.

Office of the Chief Postmaster General, N.E. Circle,
SHILLONG-793001.

To,

1. All DEB/SSPOS/SPOS., in N.E. Circle.
2. The Supdt. P.S.D., Silchar.
3. The Executive Engineer, Postal Civil En., Shillong.
4. The Asstt. Director (A/Cs.) C.O., Shillong.
5. The A.A.O. (Bgt.) Circle Office, Shillong.

No. Est./34-46/84. Dated Shillong, the 12.12.94.

Sub : REVISION OF THE PAY SCALES OF DRAUGHTSMEN GRADE-I, II AND III IN ALL GOVT. OF INDIA OFFICES ON THE BASIS OF THE AWARD OF THE BOARD OF ARBITRATION IN THE CASE OF CENTRAL PUBLIC WORKS DEPARTMENT.

A copy of the Ministry of Finance (Deptt. of Expenditure) New Delhi letter O.M. No. 13(1)-ICV/91 dated 19.10.94 circulated under Dte's no. 23-24/94-PE-II dated 28.11.94 is sent herewith for favour of information, guidance and necessary action.

(S. Shyam)
A.D. (Estt.)

For Chief Postmaster General,
N.E. Circle, Shillong.

Copy of Ministry of Finance (Deptt. of Expenditure) New Delhi's letter Number and Subject referred to above.

OFFICE MEMORANDUM.

The undersigned is directed to refer to this Department's O.M. No. P.5(59)-E.III/82 dated 13.3.84 on the subject mentioned above and to say that a Committee of the National Council (NCM) was set up to consider the request of the Staff Side that the following scales of pay, allowed to the Draughtsmen Grade-I, II and III working in CIWD on the basis of the Award of Board of Arbitration, may be extended to Draughtsmen Grade-I, II & III, irrespective of their recruitment qualification, is all Govt. of Indi offices :

	Original Scale.	Revised scale on the basis of the Award.
Draughtsmen Grade - I	Rs. 425 - 700	Rs. 550 - 750
Draughtsmen Grade - II	Rs. 330 - 560	Rs. 425 - 700
Graughtsmen Grade - III	Rs. 260 - 430	Rs. 330 - 560

(17)

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2. The President is now pleased to decide that the Draughtmen Grade I, II and III in offices/departments of the Govt. of India other than in CIWD may also be placed in the scale of pay mentioned above subject to the following :

- (a) Minimum period of service for placement from : 7 yrs.
the post carrying scale of Rs. 975-1540 to Rs. 1200-2040 (pre-revised Rs. 250-430 to 330-560).
- (b) Minimum period of service for placement : 5 yrs.
from the post carrying scale of Rs. 1200-2040 to Rs. 1400-2300 (pre-revised Rs. 330-560 to Rs. 425-700).
- (c) Minimum period of service for placement : 4 yrs.
from the post carrying scale of Rs. 1400-2300 to Rs. 1600-2660 (pre-revised Rs. 425-700 to 550-750).

3. Once the Draughtmen are placed in the regular scales further promotions would be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the recruitment rules.

4. The benefit of this revision of scales of pay would be given with effect from 13.5.82 nationally and actually from 1.11.83.

Sd/- Shyam Sunder
Under Secretary to the Govt. of India

Annexure *V*

(18)
DEPARTMENT OF POST.
Office of the Chief Postmaster General, N.E. Circle,
SHILLONG-793001.

No. Staff/35/70/65. Dated Shillong: the ~~XXIX~~ 3.2.95

In pursuance with Dte's order no. 23-24/94-FR.II
dt. 28.11.94, the pay of Anti. Swarna Dey, *Broughtman-III*
Circle Office, Shillong is placed in the higher scale
of Rs.1200-2040/- with effect from 20.2.94.

(P. Chowdhury)
A.P.M.G. (Staff)
for Chief Postmaster General,
N.E. Circle, Shillong.

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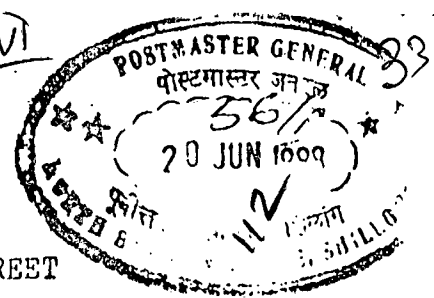
Copy to :

1. The A.C. (A/Cs.), C.O., Shillong.
2. The A.A.C. (Sgt.), -do-
3. The Director~~ee~~ of Accounts (P), Calcutta.
4. The official concerned.
5. P/A of the official.
6. The A.C. (Estt/Adm.) C.O., Shillong.
7. O/C.
8. Spare.

McW
for Chief Postmaster General,
N.E. Circle, Shillong.

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Annexure VI
(19)
GOVERNMENT OF INDIA
DEPARTMENT OF POSTS
DAK TAR BHAWAN, PARLIAMENT STREET
NEW DELHI-110001.



No. 23-24/85-PE.II

Dated:- 6 JUN 1988

To

All Heads of Postal Circles.

All Administrative Offices (Postal Wing)

Subject:- Recommendations of the Third Central Pay Commission -
Revision of pay scale of Draughtsmen.

---.---.---

Sir,

In pursuance to the orders contained in the Ministry of Finance (Deptt. of Expenditure) O.M. No. F.No. 5(13)-E-III/87 dated 11.9.87 conveying the approval of President for extension of the benefit of the pay scales allowed to the Draughtsmen to the Ordnance Factories Organisation, Ministry of Defence to similarly placed Draughtsmen in other Ministries/Deptt. of Govt. of India it has been decided that the Draughtsmen in the Deptt. of Posts as were in the pay scale of Rs. 205-280/- prior to 1.1.73 and were placed in the scale of Rs. 330-560/- based on the recommendation of the Third Central Pay Commission contained in para 81(111) of Chapter 14 of its report, may be given the scale of Rs. 425-700/- notionally from 1.1.73 and actually from 1.9.87.

2. This issues with the concurrence of Finance Advice (Postal) vide their I.D. No. 2452/FAP/88 dated 2-6-88.

(BIR DATT)
ASSTT. DIRECTOR GENERAL (PE-II)

Copy to:-

1. Director of Audit, T&T, Delhi-110054.
2. All Director of Audit/Jr. Directors of Audit/Audit Offices of Deptt. of Posts.
3. Directors/Dy. Directors of Accounts, Postal.
4. ADG(Admn.), Postal Directorate.
5. Admn./SPG/SPB-I/SPB-II/CSE/FA(2)/PE-I/Civil Wing/FAP/Budget(Postal) Sections of the Postal Directorate.
6. All recognised Union/Association.
7. S.O's Guard File.
8. Sanction Clerk.
9. Spare copies (50)

(D. H. SARKAR)
SECTION OFFICER (PE-II)

IMMEDIATE

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POSTS
LAKHNAW, SANSAD MARG
DELHI-110001.

dated: -28-11-94

No. 23-24/94-PE.II

To

All Chief Postmasters General,

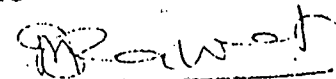
All Regional Postmasters General,

Subject:- Revision of the pay scales of Draughtsmen Grade I, II and III in All Govt. of India Offices on the basis of the Award of the Board of Arbitration in the case of the Central Public Works Department.

Sir,

I am directed to forward herewith a copy of O.M.No. 13(1)-IC/91 dated 19th October, 94, received from the Ministry of Finance (Department of Expenditure), New Delhi, on the above cited subject, for necessary action.

Yours faithfully,

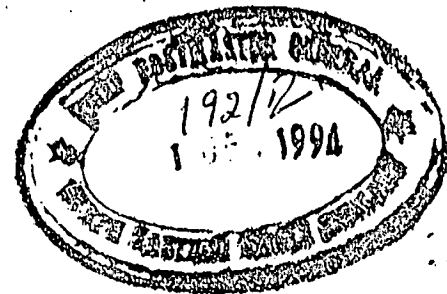


(M.S. RAWAT)
SECTION OFFICER (PE.II)

Encl: as above.

Copy to:-

1. P.S. to Hon'ble MOS(C).
2. PPS to Secy(P).
3. P.S. to Member(D).
4. P.S. to J.S. & F.A.
5. P.S. to Sr. DDC (GM) & Secy. (PSB).
6. All DDCs in the Dte.
7. The Additional Director General, Army Postal Dte. C/O 56 APO.
8. Director, PLI Calcutta.
9. Director, Postal Staff College, CGO Complex, Ghaziabad (UP).
10. C.F.M., Bombay.



(21)

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11. All P.T.Cs.
12. Principal Director of Audit (P&T), Delhi-110054.
13. Director of Accounts (Postal), Delhi-110054.
14. All Directors/Dy. Directors, Postal Accounts.
15. ADG (Admn.), Department of Posts.
16. All recognised Federations/Unions/Associations.
17. Admn. (P) / C&A/Pay Bill/PAP Pension/PE.I/SPG/SPB.I/
SPB.II/SR sections.
18. Inspection Section (5 copies).
19. P.A. (Admn.).
20. S.Os Guard File.
21. Dealing Assistant.
22. Spare (20).

M. Rawat

(M.S. RAWAT)
SECTION OFFICER (PE.II)

22/98 84-1 115

No.13(1)-IC/91
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, th 19th October, 1994

OFFICE MEMORANDUM

Subject: ~~Revision of pay scales of Draughtsmen Grade I, II and III in all Government of India Offices on the basis of the Award of Board of Arbitration in the case of Central Public Works Department.~~

The undersigned is directed to refer to this Department's O.M.No.F.5(59)-E,III/82 dated 13-3-84 on the subject mentioned above and to say that a Committee of the National Council (JCM) was set up to consider the request of the Staff Side that the following scales of pay, allowed to the Draughtsmen Grade I, II and III working in CPWD on the basis of the Award of Board of Arbitration, may be extended to Draughtsmen Grade I, II & III, irrespective of their recruitment qualification, in all Government of India offices:

	Original Scale (Rs.)	Revised scale on the basis of the Award (Rs.)
Draughtsmen Grade I	425-700	550-750
Draughtsmen Grade II	330-560	425-700
Draughtsmen Grade III	260-430	330-560

2. The President is now pleased to decide that the Draughtsmen Grade I, II & III in offices/departments of the Government of India other than in CPWD may also be placed in the scales of pay mentioned above subject to the following:

- (a) Minimum period of Service for placement from: 7 years ✓
the post carrying scale of Rs. 975-1540 to
Rs. 1200-2040 (pre-revised Rs. 260-430 to
Rs. 330-560).
- (b) Minimum period of service for placement : 5 years
from the post carrying scale of
Rs. 1200-2040 to Rs. 1400-2300 (pre-revised
Rs. 330-560 to Rs. 425-700).
- (c) Minimum period of service for placement : 4 years
from the post carrying scale of
Rs. 1400-2300 to Rs. 1600-2660 (pre-revised
Rs. 425-700 to Rs. 550-750).

(23)

(99)

...2...

3. Once the Draughtsmen are placed in the regular scales, further promotions would be made against available vacancies in higher grade and in accordance with the normal eligibility criteria laid down in the recruitment rules.

4. The benefit of this revision of scales of pay would be given with effect from 13-5-82 notionally and actually from 1-11-83.

Sd/-

(Shyam Sunder)

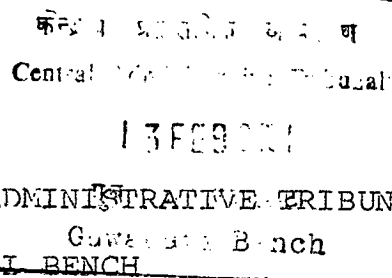
Under Secretary to the Government of India

To

All Ministries/Departments of the Government of India
(as per standard list with usual number of spare copies),

31/01/01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI Bench



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Filed by the applicant
through Mr. Under-
Adv.
31.1.2001

In the matter of :

O.A. No. 210 of 2000

Mrs. Swapna Dey

-versus-

Union of India & Ors.

-And-

In the matter of :

Rejoinder submitted by the applicant
against the written statement.

The applicant most humbly and respectfully begs to
state as under :

1. That the contention of the respondents stated in the brief History of written statement that the case of the applicant ~~xxxxxx~~ has been examined and there appears to be no reason for grievance on her part is categorically denied.
2. That with regard to the statement made in paragraphs 2,3,4,5, 7 & 8 are categorically denied by the applicant and further begs to state that the pay scales of Draftsman serving in the different offices of Government of India and those who were receiving the pay scale of Rs.260-430 which is equivalent to the Draftsman serving in CPWD. The third Central Pay Commission recommended for grant of higher pay scales of Rs. 330-560 in place of Rs. 260-430, some of the Central Government Draftsman of the P & T Department approached Delhi High Court being aggrieved for non-sanctioning of the higher scale of Rs. 330-560 by filing

Contd...

a civil writ petition before Delhi High Court which was registered as Civil Writ Petition No. 911/81 (Sri Dharambir Sahdev and Others Vs. Union of India and Another), and on hearing the parties, the High Court was pleased to grant by an order dated 22.2.1984 a declaration that the employees (petitioners) were entitled to the scale of pay as per direction that their pay be fixed notionally with effect from 22.8.73 and arrears be paid with effect from 16.11.1978 and the pay of the petitioners were revised accordingly. With the above direction the application was allowed. It would further be evident from the judgement and order dated 3.8.1988 in G.C. No. 161/1987 where Delhi High Court judgement dated 17.6.1986 passed in the case of Dharambir Sahdev and other Vs. Union of India and others is quoted below :-

" In the light of the decision of single judge of Delhi High Court in W.P. No. 911 of 1981 declaring that the petitioners are entitled to the scale of pay of Rs. 330-560, Rs. 425-700, Rs.550-750 with effect from 22nd August, 1973. It has been decided to grant revision of pay scales to officials as the petitioners Shri D.V. Sahadev, Shri R. N. Madan and Shri D.N.Verma were drawing in the scale of pay Rs. 260-430 on 22.8.1973. They may be placed in the corresponding revised scale of pay Rs.330-560 notionally with effect from 16.11.1978.

This benefit of revised pay scale is subject to their revision in the light of judgement of divisional bench of Delhi High Court in IPA No. 109 of 1983."

The aforesaid decision of Delhi High Court in fact directed the P & T Department to implement the recommenda-

Contd..

-3-

tion of Third Pay Commission whereby Draftsman working in the Grade of Rs. 260-430 has been directed to replace them at Rs. 330-560 w.e.f. 16.11.78, therefore there was no scale of Rs. 260-430 exists in the Department of Post and Telegraph. Therefore, allotment of the scale of Rs. 260-430 to the applicant in the year 1987 is contrary to the judgement and order passed by the Hon'ble Delhi High Court was further confirmed by the ^{me}Supreme Court in SLP (Civil) No. 16720/86 by dismissing the said appeal on 31.3.86 and thereby judgement of Delhi High Court is confirmed as such, contention of the respondents that there is a difference in recruitment qualification of the applicant with those CPWD Draftsman Grade-III to the extent that the applicant is not having two years experience including practical training of six months, where as the applicant has the experience of about two years under the respondents themselves and the said experience she acquired before her regular appointment in the present establishment itself. Moreover she ~~possessed~~ possessed the basic recruitment qualification at the time of her initial recruitment similar to those Grade III Draftsman of CPWD. As such the respondents cannot find fault that the applicant so far basic recruitment qualification is concerned. She is ITI diploma holder, in Draftsmanship and also has about two years working experience under the respondents. Moreover after the judgement of the Delhi High Court in the Writ Petition No. 911/81 filed by the Draftsman, Civil Wing P & T employees which was subsequently confirmed by the Hon'ble Supreme Court basically for implementation of the recommendation of the Third Central Pay Commission by granting pre revised scale of Rs. 330-560 to the Draftsman working in the scale of Rs. 260-430

squarely covers the case of the present applicant. As such question of shortage of experience towards recruitment qualification with those of CPWD Draftsman is not maintainable after the confirmation of the Delhi High Court in judgement passed in Writ Petition No. 911/81 and by the Hon'ble Supreme Court because the scale of Rs. 260-430 or any other scale of Draftsman was not in existence in the then P & T Department as such, such allocation of scale to the applicant to Rs. 975-1540 (Pre revised Rs. 260-430) in the year 1987 is also not maintainable. More particularly in view of the fact that the applicant is also discharging the same duties and responsibilities like those of Grade III Draftsman of CPWD. It was further confirmed by the Hon'ble Supreme Court in the case of P. Sabita and Ors. Vs. Union of India & Others decided in Civil Appeal No. 1321 of 1981 which was decided on 1.5.1985 reported in (1985) (Supp) SCC 94 wherein it was held that discrimination amongst the persons holding identical posts and discharging identical duties would entitle to get the same scale of pay of Draftsman. A lower scale to certain employees in the absence of higher qualification either academic or otherwise and performing similar work and duties would be violative of Article 14. The above law is laid down in the case of Draftsman serving in the Ministry of Defence, Government of India where discrimination was sought to be made by the respondents on the basis of unreasonable classification which was disapproved by the Hon'ble Supreme Court in the case of P Sabita and other Vs. Union of India and others. The contention of the applicant is categorically further supported by the order dated 31.3.86 in the case preferred by the Union of India Vs. Dharambhai Sahadev & Ors. wherein it was

that there was no justification for denying the fixation of pay in terms of ^{3rd} the Central Pay Commission in favour of Dharambir Sahadev and Ors and it was further held that applicants ~~amongst~~ of those cases are entitled to scale of pay in terms of the Third Central Pay Commission as has been given to the corresponding category of employees of CPWD with effect from August, 22, 1973 serving under the P & T Department. The relevant portion of the order dated 3.8.1988 passed in O.A. 161/87 is quoted below :

"On the conspectus of the facts and circumstances and for the reasons stated above we do not find any justification in denying the fixation of pay in terms of the Third Central Pay Commission in favour of the applicants. Accordingly it is held that the applicants are entitled to the scale of pay in terms of the Third Central Pay Commission as have been given to the corresponding category of employees is the Central Public Works Department with effect from August, 22, 1973. It is further directed that the pay of the applicants may be notionally fixed with effect from August, 22 1973 in the revised scale and arrears if any, be allowed with effect from November, 15, 1978."

From above it is quite clear that the recommendation of the third pay commission in respect of draftsman of P & T Department were granted higher payscale following the direction passed by the Delhi High Court in writ petition No. 911/1981. Therefore pay scale of Rs. 260-430 revised Rs. 975-1540 was not in existence in the month of September, 1987 in the P & T Department following the order dated

Contd....

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31.3.86 passed by the Hon'ble Tribunal in the case of Union of India and Others Vs. Dharambiy Shahded and Ors. Therefore denial of the revised pay scale of Rs. 1200-2040 with effect from the initial appointment to the applicant is highly discriminatory, arbitrary specially in view of the fact that the scale of Rs. 260-430 was not in existnce on the day of her appointment to the lower grade Draftsman in in the erstwhile P & T department.

2. That your applicant categorically denies the statement made in paragraphs 9.11. 12.13. 14,16, 17, 18, 19, 20, and 21 of the written statement and further begs to state that the OM dated 19.10.94 has no application in the instant case of the applicant, the applicant is entitled to the scle of Rs. 330-560 (Revised 1200-2040) from the date of her initial appointment as the scale of Rs. 260-430 was not in existence following the order of the Delhi High Court passed in respect of the employees of P & T Department which was subsequently confirmed by the Supreme Court. Moreover the subsequent judgement and orders and also in view of the order dated 16.8.93 passed by the CGM , NE Circle (Annexure-6) to the OA whereby P & T Draftsman has been allotted the similar scale available to the Draftsman ~~xxxxxx~~ of CPWD following the Judgement and order passed in O.A. No. 1978/88 by the CAT, Principal Bench, New Delhi in the case filed by all India, P & T Civil Non Gazetted Union Vs. Union of India and subsequently the said judgement was implemented by the Directorate of Telecom Commission vide their order dated 19.7.93 which was communicated vide letter dated 16.8.93 passed by the C.G.M., N.E. Circle, Shillong and

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also in view of the order passed by the Government of India, Ministry of Telecommunication dated 23.8.93 (Annexure-&), as such the contention of the respondents are not correct.

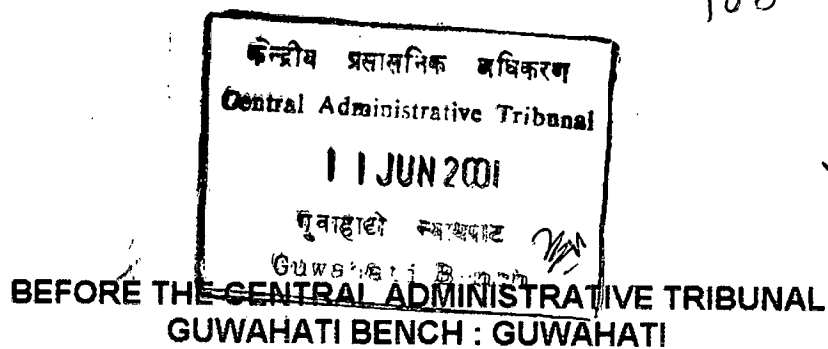
In view of the facts and circumstances stated above, the application is deserves to be allowed with costs.

V E R I F I C A T I O N

I, Smt. Swapna Dey, wife of Pronoy chandra Dey, aged about 40 years, working as Draftsman, applicant in the O.A. No. 210/2000 do hereby solemnly affirm and declare that the statements in paragraphs 1 and 2 in this rejoinder are true to my knowledge and I have not suppressed any material facts.

And I sign this verification on this the day of 31-1-2001 2001.

Swapna Dey
Signature



In the matter of :

OA No.210/2000

Mrs. Swapna Dey

-Versus-

Union of India & Others

- AND -

In the matter of :

An additional statement submitted by the
applicant in support of the contention and
issues involved in the original applications.

The applicant most humbly and respectfully beg to state as under :-

1. That your applicant beg to state that the original application No.210/2000 filed before this Hon'ble Tribunal claiming grant of appropriate scale of pay of Rs.330-560/- (Revised) 1200-2040/- with effect from 20.02.1987 either in terms of recommendations of third Central Pay Commission or in terms of OM dated 13.03.1984 issued by the Govt. of India, Ministry of Finance, and also in the light of the Judgment passed by the Hon'ble Delhi High Court in the case of Drafts working in the P & T Department in the Union of India and others in civil writ petition No.911/81 which was ultimately confirmed by the Hon'ble Supreme Court in the petition for special leave to appeal (civil) No.16720/1985 and also on the basis of the judgment passed in the case of similarly situated employees of P & T Department by this Hon'ble Tribunal in G. C. No.161/1987, 162, 185, 186 of 1987 decided on 3rd August 1988, it would be evident from the

aforesaid judgments that the similarly situated Draftsman who were working in the P&T allowed higher revised scale of pay in terms of third Pay Commission report with effect from 22.08.1973.

it is further submitted that as per recommendation of third Pay Commission the Draftsman who were getting scale of Rs.260-430/- were placed in the corresponding higher revised scale of Rs.360-560/- following the decision of Hon'ble High Court in WP No.911 of 1981 and those Draftsman who were in the scale of Rs.330-560/- were allowed higher revised scale of pay of Rs.425-700/- and in the aforesaid case this Hon'ble Tribunal as well as Hon'ble Delhi High Court declare the entitlement of revised Higher Scale for the similarly situated Draftsman as recommended by the third Central Pay Commission.

(Copy of the Judgment and order passed by the 161 of 1987 is enclosed.)

2. That it is stated that the 3rd Central Pay Commission also recommended in sub para 2 of paragraph 80 & 81 in 1973 Vol.1) that all the posts now in the scale of Rs. 150-240/- should be brought on to the scale of Rs. 330-560. In this connection it is stated that the post of draftsman in which the scale of pay was allotted, prior to 1973, was Rs. 150-240/- in terms of 2nd Pay Commission report. It is also stated that Shri N.N.Dutta and Sri Ardhendu Kumar Bhattacharjee were earlier held the post of draftsman/lower grade draftsman at the relevant time after implementation of the 2nd Pay commission report and they were allotted the pay scale of Rs. 150-240/-. The present applicant although appointed in the same post of draftsman which was called as lower grade draftsman but unfortunately the applicant was ~~allotted the pay scale of Rs. 975-1540/- (pre revised Rs. 260-430) which scale was not in existence~~

allotted the pay scale of Rs. 975-1540/- (pre revised Rs. 260-430) which scale was not in existence after implementation of 3rd Central Pay Commission report. As per recommendation of sub para 1 and sub para 2 of paragraph 80¹⁸¹ of 3rd Central Pay Commission Vol. I the applicant was entitled to be placed in the pay scale of Rs. 1200-2040 (Pre revised 330-560) instead of Rs. 975-1540/- (pre revised Rs. 260-430). Even in sub para 1 of paragraph 80¹⁸¹ it is also stated that where the recruitment qualification is matriculate with diploma in draftsmanship those posts should also be examined to see if any of the posts would deserve to be placed in the higher grade, such posts should be placed in level II. In the 3rd central Pay Commission recommendation the recruitment qualification for the draftsman has been prescribed as Matriculate + two years diploma in draftsmanship. Therefore she attains the eligibility for placement in the pay scale of Rs. 330-560/- as recommended by the 3rd Central Pay Commission. But unfortunately the case of the applicant in spite of repeated representations the respondents did not consider her case and the respondents are silent regarding the contentions raised by the applicant in her original application that the 3rd Central Pay Commission recommended the scale of Rs. 330-560/- for the draftsman having two years diploma course certificate in draftsmanship. Therefore Hon'ble Tribunal be pleased to direct the respondents to pay the applicant the scale of Rs. 330-560/- (Revised Rs. 1200-2040/-) with effect from the date of her initial appointment i.e. w.e.f 20.2.1987.

A copy of the extract of the 3rd Central Pay Commission 1973, Vol I is annexed as Annexure-23 for kind perusal of the Hon'ble Tribunal.

The applicant craves leave of the Hon'ble Tribunal in support of the contention of the applicant to produce a copy of the relevant pay bill

prepared by the respondents in respect of Sri Ardhendu Kr.
Bhattacharjee the ^{then Druffman} ~~then building over~~ sheer at the time of hearing of this
application, as Annexure 24

VERIFICATION

I, Smt. Swapna Dey, Kamrup, wife of Sri Pranoy Chandra Dey, working as Lower grade Draftsman in the circle office of the chief Postmaster General, Shillong, applicant in the Original Application No. 260 of 1997, do hereby verify and declare that the statements made in paragraphs 1&2 in the additional statement are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 12th day of June 2001, at Guwahati.

Signature

Swapna Dey

-6- -113- ANNEXURE-22

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III THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

G.C.No.161 of 1987

Sri Monomohan Medhi : Applicant

vs.

The D.E. Phones, Shy & Ors : Respondents

G.C.No.162 of 1987

Sri Ranjan Kumar Deb : Applicant

vs.

The D.E., Phones & Ors. : Respondents

G.C.No.185 of 1987

Sri Ranjit-Kumar Dutta : Applicant

vs.

The D.E. Telegraphs, : Respondents
Shillong & Ors.

G.C.No.186 of 1987

Sri Hanik Chandra Deb : Applicant

vs.

The Regional Traffic Supdt., : Respondents
Telephone & Ors.

PRESENT:

The Hon'ble Justice Shri D. Pathak, Vice-Chairman

For the applicants in all : Sri B. Malakar, Advocate
the cases

For the respondents in all : Sri S. Ali, Sr. C.S.S.C.
the cases

Date of Judgment & Order : The 3rd day of August 1988

JUDGMENT & ORDER

PAT.HAK.1.

The four applications under Section 19 of the Administrative Tribunal Act 1985 involve the similar question of fact and accordingly they have been....

been disposed of by a common judgment. All the applicants are Draughtsman Grade II (C), D.E.S., working under the respondents.

2. Applicant, Nionomohan Medhi was appointed as Draughtsman on 10.7.1970; applicant, Ranjan Deb was appointed as Draughtsman on 3.1.1968; applicant, Ranjit Kumar Dutta was appointed as Draughtsman on 23.12.1967; and applicant, Manik Chandra Deb was appointed as Draughtsman on 9.11.1964. The applicants were initially appointed in the scale of pay of Rs.110-200/- per month and allowed to officiate in the scale of pay of Rs.150-240/-. This scale of pay was revised by the Third Central Pay Commission, which stands at Rs.1400-2390/- per month. All the applicants are certificate holders in Draughtsmanship (Civil).

While revising the pay scale the Third Central Pay Commission recommended that pay scales of the Draughtsman should be higher on the basis of qualification. It is stated that prior to the creation of the Civil Engineering Wing of the P & T Department on 1.7.1953, the entire staff of the Engineering Department was a Wing of the C.P.J.O. known as the P & T Wing. At the creation of the Civil Engineering Wing, the staff of the P & T Wing were transferred under the Civil Engineering Wing of the P & T department. It is stated that the qualifications prescribed for the post of Draughtsman Grade II is matriculate with a certificate or diploma from a recognised institution of not less than two years' duration including practical experience. These applicants are certificate holders in Draughtsmanship (Civil).

3. The Third Pay Commission set up on 2.4.1970 recommended the scale for the Grade II Draughtsman as Rs.425-700/- per month. The recommendations of the Third Pay Commission was not implemented by the Government for the Draughtsman of the C.P.W.D. though the counterparts in certain other organisations were given the scales. A job-evaluation study of the work of the Ferraprinters and Draughtsman in the C.P.W.D. was undertaken in pursuance of the discussion in the Departmental Council (JCM) of the Ministry of Works and Housing. This was with the objects of finding out the nature of the jobs of Draughtsman with a view and revision of scales of the staff. They submitted the report which was not implemented.

4. It is stated that the Third Pay Commission in its report observed that the categories of staff employed in the P & T Engineering Wing were the same as in the C.P.W.D. with similar conditions of recruitment and duties and recommended that they be placed in the pay scales recommended for the corresponding categories in the C.P.W.D. The C.P.W.D. on the award given by the Board of Arbitrators agreed to implement the scales with effect from 1.1.1973 (nationally) in accordance with the award and arrears have been allowed with effect from 16.11.1978. The categories of staff employed in the P & T Engineering Wing inducted into the same scale of pay as was prescribed by the Third Central Pay Commission for the corresponding categories of staff employees of the C.P.W.D. The categories of staff employed in this wing are the same as in C.P.W.D. with similar conditions of recruitment and duties. Their qualifications for recruitment and duties are identical to the Draughtsman of the C.P.W.D.

5. It is submitted by the applicants that the scale of pay which have been given effect to in case of Draughtsman working in other Central Government establishments have not been given effect to in case of the applicant by the P & T authority. It is submitted that this is a violation of the principles laid down in Articles 14 & 16 of the Constitution in respect of equal pay for equal work. The petitioners, therefore, pray for an order holding that identical post has been treated differentially in the matter of fixation of pay merely because they belong to different department.

6. The applicants pray the following relief:

- i) The applicants be given the pay scale in terms of the Third Pay Commission notionally with effect from 22.8.1973.
- ii) The applicants be given actual benefit with effect from 16.11.1978.
- iii) In the prayer portion, the applicants have mentioned that they have been given the scale with effect from 13.5.1982 (notionally) and actual benefit being given with effect from 1.11.1983.

Thus it appears that the main grievance of the applicants is that they have not been paid the benefit of the scale of pay in terms of the Third Pay Commission with effect from 16.11.1978 to 31.10.1983.

7. The respondents have not filed any written statement except in G.C.No.162/87 to refute any of the statements made by the applicants. However, I have heard Mr. S. Ali, the learned Sr. C.S.S.C., appearing on behalf of the respondents, at great length and very carefully have considered the same. But nothing of substance has been made out to deny the relief to the applicants.

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8. Mr. B. Malakar, the learned counsel for the applicants, submits that as the Award of the Board of Arbitrators was not implemented by the P & T Department, certain employees of the Department working in New Delhi approached the High Court of Delhi in Shri Dharam Vir Sehdev and Others versus Union of India and Another, registered Civil Writ Petition No.911/81, and on hearing the parties, the High Court was pleased to grant by an order dated 22.2.1984 a declaration that the employees (Petitioners) were entitled to the scale of pay as per recommendations of the Third Pay Commission and directed that their pay be fixed notionally with effect from 22.8.1973 and arrears be paid with effect from 16.11.1978 and the pay of the petitioners were revised accordingly.

With the above direction, the application was allowed.

9. Mr. Malakar has, however, brought to our notice that against the aforesaid judgment and order of the Delhi High Court a writ appeal registered as LPA 109/83 is pending in the court. It is also pointed out that against the order of the Delhi High Court, the Department moved the matter before the Hon'ble Supreme Court which stood dismissed on withdrawal by the Government in petition for special leave to appeal (Civil) No.16720/85).

10. I have myself gone through the judgment passed by the Delhi High Court in the aforesaid case. After perusal of the judgment, I do not have any hesitation to....

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to accept the views expressed by the learned Single Judge of the Delhi High Court in Dharam Vir Sengupta (Supra). The learned counsel for the applicants has also brought to my notice a copy of an order dated 17.6.1986, of the authority, which has been enclosed along with the application giving effect to the judgment of the learned Single Judge of the Delhi High Court. This order reads as under:

" In the light of the decision of single Judge of Delhi High Court in W.P.No.911 of 1981 declaring that the petitioners are entitled to the scale of pay of Rs.330-560, Rs.425-700, Rs.550-750 with effect from 22nd August, 1973. It has been decided to grant revision of pay scales to officials as the petitioners Shri D.V. Sahadev, Shri R. N. Madan and Shri D.N. Verma were drawing in the scale of pay Rs.260-430 on 22.8.1973. They may be placed in the corresponding revised scale of pay Rs.330-560 notionally with effect from 16.11.1978.

This benefit of revised pay scale is subject to their revision in the light of judgment of divisional bench of Delhi High Court in IPA No.109 of 1983.

While this issues with a concurrence of Internal Finance vide their diary No.2392 of 16.5.1986."

The petitioners have also enclosed a copy of the order of the Hon'ble Supreme Court arising out of the judgment of the learned single Judge of the Delhi High Court in the above case. The order of the Hon'ble Supreme Court reads as under:

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition for special leave to appeal (Civil) No.16723 of 1985 (from the judgment and order dated 12.9.85 of High Court of Delhi in dismissing CMP No.1618/85 (petition) in Patent appeal No.17/85.

out to deny the relief to the applicants.

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- 116 - 136

The Union of India and AIR - Petitioners
Dharamavir Sahasr
Others

Respondents

(with application for exemption)

Date: 31.3.86: This petition was called
on hearing today.

Coram: Hon.
Hon. Mr. Justice A.P. Sen
Hon. Mr. Justice M. Khalid.

For the petitioners: Mr. Batta, A.S.G.
Mr. S.K. Gambhir,
Mr. C.C. Subba Rao,
Mr. R.D. Agarwal (Advocates)

For the respondents: Mr. G.D. Gupte, Advocate.

Upon hearing counsel, the Government
made the following order.

Special leave petition is dismissed as
withdrawn.

Sd/-
P.K. BASU
Court Master."

11. On the conspectus of the facts and circumstances
and for the reasons stated above we do not find any
justification in denying the fixation of pay in
terms of the Third Central Pay Commission in favour
of the applicants. Accordingly it is held that the
applicants are entitled to the scale of pay in terms
of the Third Central Pay Commission as have been
given to the corresponding category of employees in
the Central Public Works Department with effect from
August 22, 1973. It is further directed that the pay
of the applicants may be notionally fixed with effect
from August 22, 1973 in the revised scale and arrears,
if any, be allowed with effect from November, 15,
1978.

13
: 8 :

12. In the above terms, the applications were allowed, but in the facts and circumstances of the case, I pass no order as to costs.

Stark
3/8/88
VICE-CHAIRMAN

nkm

Certified to be True Copy

[Signature]
Deputy Registrar (Judicial)
Central Public
Clerk

9/8/88

out to deny the relief to the applicants.

He. con. from

- 5.14 -

ANNEXURE-23

- 117. 138



REPORT

OF THE

THIRD CENTRAL PAY COMMISSION

1973



Volume I

MINISTRY OF FINANCE
GOVERNMENT OF INDIA

MINISTRY OF RAILWAYS

- Service of Engineers
- Service of Mechanical Engineers
- Service of Electrical Engineers
- Service of Signal Engineers
- Stores Service

Distribution of posts in these five cadres has been given in Table II. The Heads of Engineering in the Zonal Railways are now in Two Grades, Rs. 2000—2500 (for Civil, Mechanical and Electrical posts) and Rs. 1800—100—250 (for the rest of the Electrical posts, etc.). Posts on each of these two scales are in two grades of Rs. 2250—2500 and Rs. 2500—2750 on the lines already indicated. Our recommendations in respect of the higher engineering posts in the Railways and of the posts which are more than one Engineering Service or more than one non-engineering cadres are given in Chapter on the Ministry of Railways.

MINISTRY OF WORKS & HOUSING

- Central Public Works Department)
- Engineering Service
- Electrical Engineering Service
- General Cadre

Distribution of Class I posts in different Services of Central Engineering Service and the Central Engineering Service has been given in Table II. Similar information relating to the architecture has been given in the Chapter on the Ministry of Works & Housing. The pay of the posts in the Central Engineering Service (Rs. 2000 fixed) should be revised to Rs. 2500—2750 (for equivalent posts). The Chief of the Central Public Works Department (Rs. 2500—125/2—2750) is responsible for a country-wide organisation catering to the needs of all the departments financed by the Government. This is the top post available to the Central Engineering Service. We recommend for this post the scale of Rs. 2500—2750.

MINISTRY OF IRRIGATION & POWER

- Water Engineering Service
- Power Engineering Service

Distribution of posts in the different grades of the Water Engineering Service and the Power Engineering Service has been given in Table II. The pay of Chief Engineers and of equivalent posts should be revised on the lines already indicated. For the Members and Vice-Chairmen of the Central Water & Power Commission we recommend the pay of Rs. 3000. The Chairman of the Commission we recommend the fixed pay of Rs. 3500.

The Secretary has dissented from the view, vide his Note of Dissent.

Other Services

24. Our recommendations in respect of Junior Class I and Senior Class I and Junior Administrative Grades should apply to similar grades in other services and to similar grades of posts. For posts which are on odd scales and for posts which are not mentioned here and, which are on scales higher to the Junior Administrative Grade in the various Departments we have made recommendations in the chapters on the concerned Departments.

Access to Secretariat Posts

25. A general demand that has been made before us is that the engineering cadres should have access to the posts at the policy-making level in the Central Secretariat. The question of personnel deployment would normally be outside our scope. However, since this demand seems to have been made at least partially because the Secretariat posts at the middle levels normally carry special pays (and therefore impinge on the conditions of service), we examine certain aspects of the demand.

26. At present there is no specific reservation for any Service of the posts in the Secretariat except that some posts of Under Secretary and Deputy Secretary are earmarked for the members of the Central Secretariat Service. Nor is there any particular bar against any service or cadre holding the middle level and higher posts in the Central Secretariat. The Study Teams of the Administrative Reforms Commission on the Machinery of Government and on Personnel Administration found that though all cadres are eligible for Secretariat postings sufficient use had not been made of the technical personnel in general for this purpose and recommended that greater use be made of these Services in the higher administration. In its report on Personnel Administration the Administrative Reforms Commission recommended that wherever knowledge of a particular technical function is predominantly required in a Secretariat post, personnel should be drawn from the relevant technical or functional Service. We are of the view that since the subject matter with which the Secretariat has to deal, has tended to become increasingly technical or otherwise specialised, there is more scope than before, for greater use being made of specialist officers at all levels. The extent of such intake will depend upon several factors and cannot be considered solely from the aspect of the avenues of promotion that can be created for a particular cadre or cadres—technical or non-technical. The paramount consideration in deployment of personnel should obviously continue to be the promotion of the public interest, and the suitability of the employee for the task in hand.

Demand for various allowances

27. We discuss below the demands made by engineering officers for various kinds of allowances in addition to the normal pay :

- (i) Special pays are an unusual feature in these services. On a rough estimation not more than 2 per

cent of the posts carry special pay. The engineering cadres of the Railways and the Posts & Telegraphs also man, as a regular measure, the middle and higher administrative posts at the headquarters, viz., the Railway Board in the Ministry of Railways and the Posts & Telegraphs Board in the Ministry of Communications. Such posts carry special pays of Rs. 200 and Rs. 250 in the Railways and of Rs. 100 and Rs. 200 in the Posts & Telegraphs. We have made certain recommendations for rationalizing the pattern of special pay in Chapter 8 on General Recommendations on Pay Structure. Those recommendations would *mutatis mutandis* apply to the Engineering Services also.

(ii) **Technical Pay.**—A sum ranging from Rs. 75 per month for the Sectional Officer (or equivalent) to Rs. 300 per month for the Chief Engineer has been demanded as technical pay in recognition of the Engineers' special technical qualifications and also to enable them to make a continuous study of their subjects so as to keep abreast of the latest developments by becoming members of professional bodies, by subscribing to technical journals etc. This demand fails to recognise the fact that the engineers are recruited to government service for the practical application of their specially acquired skills and the pay attached to their posts is in fact a recognition of those skills. As for the need to keep abreast of the latest developments the existing library facilities can be availed of and these facilities can be improved if found to be inadequate. No grant of an allowance on this account is justified.

(iii) **Field Duty Allowance.**—A field duty allowance ranging from Rs. 100 for the Junior Engineer to Rs. 250 for the Superintending Engineer has been demanded in order to compensate them for the arduousness of their duties, including on-the-spot inspection of building sites, etc. Such field duty and inspection work is not peculiar to the engineering profession. Executive Officers in general administration, in the Customs & Excise, in the Postal Department and in the Police are also engaged on field duties. The obligation to go out of the office on inspection work cannot, therefore be made a ground for the grant of an allowance.

(iv) **Post-graduate allowance.**—An allowance ranging from Rs. 100 per month to Rs. 250 per month has been demanded for members of the Engineering Services who acquire an Associate Membership, a Post-graduate Diploma, an M.Sc., M.Tech. or a Ph.D. Unless the job in view demands these higher educational qualifications, or such qualifications serve the public interest as in the case of doctors, it will not be justifiable to grant a post-graduate allowance. The reward for the acquisition of the higher qualifications should be in the form of a preference being shown for promotion to posts requiring such qualifications.

(v) **Design & Planning Allowance.**—An allowance ranging from Rs. 75 to Rs. 300 according to the grade has been demanded for the engineers working in the Central Design and Planning Offices. This demand has received support from the official witnesses who

were of the view that the design and planning are directly concerned with the Five-year Plan and require a greater mental contribution than is normally required of a cadre and that there is justification for special design and planning allowance. We agree that technical designs, consistent with safety, are a means of effecting substantial savings in the construction of projects. New design concepts are being evolved in advanced countries, and it would be in the public interest to attract superior talent to design and planning work. These persons should be encouraged to adapt new techniques to Indian conditions, and to try out and experimenting. It may be noted that in the Railways and in the Posts & Telegraphs employ a large body of engineers, officers in the scale and in the Junior Administrative Grade in the secretariats of the respective Boards are in receipt of a special pay of Rs. 100, Rs. 150, Rs. 200, Rs. 250 p.m. Some of these officers are engaged in engineering design and planning. Recently a Design Office has been set up under the Engineer-in-Chief of the Central Public Works Department to handle complex problems arising in modern construction. There is thus a good case for the grant of a suitable special pay in these cases and we recommend accordingly. The actual quantum of the special pay for the different grades may be decided by the Government in consonance with our general recommendations on special pay.

However, in the organisations whose primary concern is design and engineering planning, such as the Central Water and Power Commission, there is normally no justification for attaching any special pay for this work. If the possession of any special qualifications is considered advantageous in the work, there would, in our view, be justification for the grant of special pay in such cases also. While considering this matter we would also refer to the case of the officers of the Central Water and Power Commission posted to investigation circles set up for carrying out basic surveys of river valleys, irrigation and power projects, etc. prior to the detailed planning and engineering of these projects. The work assigned to these officers obliges such officers to stay for considerable periods in inhospitable regions. Officers of such organisations who actually function under such conditions deserve a special pay. The Government may consider this on the actual rates.

(vi) **Non-practising Allowance.**—This has been demanded on the ground that medicine and engineering are both professions and if a non-practising allowance is paid to the doctors there is no reason why it should not be denied to the engineers. We feel that the non-practising allowance to the doctors should not be treated *sui generis* and it would not be wise to extend this to any other category. Historically, doctors have long enjoyed this privilege, precisely because doctors were scarce, and their services were required during emergencies and sudden illness. It would be anti-social to deny the patient the attention of a doctor. When this privilege was withdrawn, it was given *pro quo* in the form of a non-practising allowance. These considerations do not apply to engineering or to most professional categories.

Services and Posts

The distribution of the Class II engineering posts is given in the table below —

TABLE V
Distribution of Class II (Gazetted) Engineering posts

Railways	Defence	P&T	Works & Housing	Irrigation and Power	Shipping and Transport	Industrial Development	Information and Broadcasting	Communications other than P&T	Supply	Tourism and Civil Aviation	Other Departments	Total
747	418	1796	1146	315	99	2	223	103	267	572	667	6355
..	11	..	..	..	3	..	..	..	..	..	..	3
..	..	..	..	..	..	35	3	..	..	..	7	21
..	55	..	..	..	..	..	..	..	..	..	6	41
..	..	..	..	..	18	..	2	..	..	..	2	55
8	..	..	3	..	5	..	1	..	..	4	149	22
755	484	1796	1149	315	125	37	229	103	267	576	831	6667

Class II officers in the engineering services assist executive grade officers and in some cases Class I officers in their allotted sphere of the main demand of the associations of Class II has been for the merger of their cadre with grade of Class I. We have already expressed against this proposal.

The bulk of the posts in the Class II scales are Standard Class II scale. The revised scale adopted by us for this grade should apply in their covers 6355 out of the total of 6667 posts. The remaining 312 posts are distributed in different scales of pay. We have dealt with these posts in the Chapters on the individual

departments. For posts which may not have been covered in this manner either the Standard Class II scale or its appropriate Standard Segments should be adopted keeping in view the nature of the duties and responsibilities of the post, and the existing scale.

III. Non-Gazetted Engineering Staff (Class II and Class III)

31. The total number of staff in the non-gazetted engineering category excluding the workshop supervisory staff is 41,120. This figure represents nearly a threefold* increase since the Second Pay Commission. Of the 41,120 posts, 39,461 are concentrated in eleven scales of pay as given in the Table below :—

TABLE VI
Non-Gazetted Engineering staff in the main scales of Pay and Departments

(Rs.)	Railways	Defence	P&T	Works & Housing	Information & Broadcasting	Irrigation & Power	Shipping & Transport	Communications other than P&T	20 Other Departments	Grand Total
2	3	4	5	6	7	8	9	10	11	
15-20	449	310	..	..	..	..	1	1	..	761
20-25-475	246	..	20	5	356	..	..	182	284	874
25-30	686	3836	298	299	..	..	..	..	..	246
30-35-380	296	..	..	..	..	..	25	..	5	5127
35-40-320	1576	12	..	11	6	..	42	..	7	328
40-45-15	..	..	..	..	973	..	..	..	14	1661
45-50-320	..	..	..	..	..	..	..	129	..	1106
50-55-15	..	66	96	4	..	131@	..	140	258	691
55-60-280	7674	5149	7985	4031	..	843	210	..	437	18655E
60-65	2273	20	..	28	..	..	41	..	3	7766
TOTAL	13200	9393	8399	4378	1335	974	318	452	1012	39461
	..	1472	1	1	12	..	37	1	136	1659
TOTAL	13200	10865	8399	4379	1347	974	355	453	1148	41120

At the time of the Second Pay Commission there were 19,171 posts of this category including workshop supervisory staff in the amounting 13,480 Railway workshop supervisory posts to the figure of 41,120, the total comes to 54,600 at present.

At the start of Rs. 250/- and a special pay of Rs. 30/- is given to the initial recruit. By these provisions the scale actually trans-

FERD, CIV & PC and P&T engineering graduates are given six advance increments making for an initial start of Rs. 240/-

32. Twenty-four other scales account for the remaining 1659 posts these scales are listed below:—

Rs. 375-575, Rs. 370-575, Rs. 350-575,
Rs. 370-500, Rs. 350-525, Rs. 325-475,
Rs. 320-500, Rs. 270-535, Rs. 260-540,
Rs. 250-550, Rs. 250-470, Rs. 250-425,
Rs. 250-350, Rs. 210-380, Rs. 210-320,
Rs. 205-240, Rs. 200-300, Rs. 150-380,
Rs. 150-320, Rs. 150-300, Rs. 150-240,
Rs. 130-300, Rs. 110-200 & Rs. 110-155.

33. There is a variety of designations such as sub-overseer, overseer, supervisor, project computer, junior engineer, engineering supervisor, engineering assistant, technical assistant which apply to such posts in different departments. Engineering staff, borne on scales below Rs. 205-280, are engaged in the detailed supervision of small items of work. For these grades generally, no specific engineering qualification has been prescribed. Engineering staff in the scale of Rs. 205-280 and higher scales are recruited from those having engineering qualifications, or, are promoted from the lower categories. They assist engineering officers in the Class II gazetted and the Class I levels. In the Railways the nature of their duties depends on whether they are attached to the civil, mechanical, electrical or signal and telecommunication departments. In the Military Engineer Service and the Central Public Works Department they are mainly engaged on the construction and maintenance of buildings, runways etc. In the Ministries of Information and Broadcasting and Communications and in the Posts & Telegraphs organisation the duties pertain to planning and the installation, operation, and maintenance of telecommunication, wireless, electronic and other ancillary equipment. In the Ministry of Irrigation and Power such staff are engaged mainly on investigation, design, and computing work in respect of irrigation, drainage and flood control projects and hydro-electric and thermal plants. Staff belonging to other engineering specialities are employed in departments having need of special skills, such as marine engineering, chemical engineering, sound engineering, etc.

34. We feel that the qualifications prescribed for recruitment to different grades in the Departments employing the bulk of these staffs, the structure of their pay scales and the nature of the duties and responsibilities entrusted to them should form the basis of evolving a new gradation of pay scales for non-gazetted engineering staff as a whole. On a review of the qualifications prescribed for direct recruitment in those departments we have noticed the following peculiarities:—

- (i) Diploma holders are recruited to different initial grades namely, Rs. 205-280 in the Railways and the Ministry of Transport, Rs. 180-380 in the Military Engineer Service, Central Public Works Department, and Posts and Telegraphs, Rs. 210-425 in the Ministry of Communications and

Rs. 210-470 in the Ministry of Information and Broadcasting. An alternative qualification of B.Sc. in Physics and Maths is prevalent in the Posts & Telegraphs, Overseas Communications Service, Wireless Planning & Coordination Wing, Ministry of Communications and Ministry of Information and Broadcasting. These organisations are primarily engaged with different aspects of telecommunications.

- (ii) There is regular prescribed recruitment of engineering graduates to the grade of Rs. 335-485 in the Military Engineer Service and in the Civil Engineering Department of the Railways. In the other departments of the Railways (except Mechanical) there is direct recruitment of engineering graduates to the grade of Rs. 335-485. Also, there is direct recruitment of engineering graduates (or persons with equivalent qualifications) to the grade of Rs. 335-485 to the extent of 25 per cent in the Communication Service and of 50 per cent in the Wireless Planning & Coordination Wing of the Ministry of Communications.

35. The pattern of promotion is not uniform in different departments. Either all the posts in a department or a certain percentage of posts or vacancies in the gazetted cadre are reserved for promotion of gazetted engineering staff. In the M.E.S., 25 per cent of the posts in the Class I Junior Scale of the Military Engineer Service are reserved for promotion from Superintendents Grade I and Chargeholders Grade I. In the P & T and the Railways all Class II gazetted posts in the engineering branch are filled from the Class III grades. Till recently, there was no direct recruitment to the Class II in the P & T. This has recently been suspended for a period of seven years, and all Class II posts would be filled by promotion. In the P & T and the Railways the promotions to the Class II take place from the grade of Rs. 180-380 or the selection grade of Rs. 485. In the CWPC the promotions to the Class II are made either from Rs. 180-380 or Rs. 425. In the Railway such promotions are made from the permanent staff on Rs. 450-575, Rs. 485, Rs. 370-475, or Rs. 335-425, or Rs. 380 who have rendered a minimum of 3 years of fortuitous service after reaching the scale of Rs. 335 in the different scales; in the case of staff who have an engineering degree, 2 years of service in Class III suffices, and the pay scale of Rs. 335 is not insisted upon. In the AIR, OCS, and WPC Wing, promotion to Class II is from the grade of Rs. 325-575. While it would be difficult to give a relative prospects of promotion in the different departments, a rough idea can be had from the number of posts actually available for promotion to the number of posts in the basic cadre. The table below gives the comparative

CWPC : Central Water & Power Commission.

AIR : All India Radio.

OCS : Overseas Communication Service.

WPC Wing : Wireless Planning & Coordination Wing.

TABLE VII

No. of posts in the initial grades of—
(a) Rs. 205-280 & Rs. 250-380 or (b) Rs. 210-470 or (c) Rs. 325-575 (d) Rs. 180-240

No. of posts in higher non-gazetted grades of (a) Rs. 335-425 & Rs. 370-475 (b) Rs. 335-485 (c) Rs. 325-575 (d) Rs. 450-575

No. of promotion posts in column 3 excluding direct recruitment posts in different grades

Percentage of column 4 to column 2

Total of cols. 2 & 3

No. of promotion posts reserved in gazetted (Class II) rank of Rs. 350-900

Percentage of columns 7 to col. 6

	2	3	4	5	6	7	8
	4011	899	854	21.2	4910	271	@5.1
	5808	103	103	1.8	5911	105	@0.7
	76	134	122	160.5	210	77	@4.8
Telecom.	1628	541	490	30.1	2169	55	2.1
	4913	2860	1330	27.1	7773	167†	2.2
Engineering	7446	292	292	3.9	7738	1672	21.6
Technical	129	141	106	82.1	270	50	18.5
Housing							
Junior	3140	229	229	7.3	3369	278	8.2
Senior	858	70	70	8.1	928	94	10.1
Radio & Broad-							
	973	356	356	36.6	1329	149	11.2
Power							
Main							
Generators; De-							
Technical	418	..	..	..	418	187	44.7
Shipping							
(Wag)							
Computer%	42	14	14	33.3	56	14	25.0

In the Railways, P&T and CW&PC all Class II (Gazetted—Rs. 350-900) posts are filled by promotion. In the MES, there is no Class II and 25% of the Class I Junior (Rs. 400-950) posts are available for promotion to the Class III cadres. In the CPWD 25% of Class II (Gazetted) permanent posts and 50% of Class II (Gazetted) temporary posts are reserved for promotion from Class III. But, for the next seven years it has been proposed to stop direct recruitment to Class II (Gazetted) and make promotion from Class III to all vacancies. In the OCS 50% of Class II (Gazetted) vacancies are reserved for promotion from Class III. In the AIR under the revised rules, 60% of the Class II (Gazetted) posts would be available for promotion from the non-gazetted cadres.

(Junior).

In the CW&PRS have not been included.

to Train: Examiners only.

cadres with Draftsmen (Breakup not made).

into account the other categories eligible for promotion to the gazetted cadres.

73-10.1

36. It would be seen that the position in regard to promotion prospects from the initial recruitment grade continues to be unsatisfactory in some of the Departments because of which the Second Pay Commission had provided Selection Grades over the initial

recruitment grade in those departments.

37. The variety existing in the structure in the different departments is brought in table below:—

TABLE VIII

Railways		AIR, OCS WP&C Wing	P&T & CPWD	Irrigation & Power (CW & PC)	Defence	Shipping
Civil Engg.	Others					
Rs.	Rs.	Rs.	Rs.		Rs.	
450-575 335-485	450-575 370-475 335-425	325-575 — 210-470 210-425	— 335-485 —	— — Rs. 210-425* (with a higher start of Rs. 250/- and special pay of Rs. 30/- in addition).	450-575 335-485 —	— — —
250-380 205-280	250-380 205-280 180-240@	— — —	— — 180-380	— — Rs. 180-380*	— — 180-380	— — —

*Independent cadres.

@Mechanical Engineering (Train Examiners) only.

The number of grades varies from six obtaining in the Mechanical and five in Electrical Engineering and Signal and Telecommunication Departments of the Railways to only one in the CPWD, P&T and the CW&PC, excluding the non functional selection grade in the P&T, and CPWD. Further, while in some Departments the grade structure carries the maximum of the non-gazetted range up to Rs. 575/-, in others it stops at Rs. 485/- or Rs. 425/-, or even at Rs. 380/- as in the case of CW&PC.

38. On the point whether there could be posts carrying different levels of responsibilities among Engineering Supervisors in the P&T, the Secretary, Department of Communications felt that, even if this was so, it would introduce administrative rigidity if a specific higher grade were to be introduced. In the Railways on the other hand, it has long been the practice to have a large number of grades for basically the same type of posts and to attach specific percentages of posts to each of such grades. We have considered whether this widely varying structure has a rational basis. The engineering staff working in all these grades function under the supervision and direction of Class II gazetted engineers who are in the uniform grade of Rs. 350—900 in all the departments concerned. The posts on the scales of Rs. 450—575 and Rs. 325—575 as also those on the scale of Rs. 180—380 have been considered fit enough for promotion to the Class II scale of Rs. 350—900. This situation seems to provide further justification for adopting a uniform pattern in respect of the non-gazetted engineering category of posts. In this background an attempt has been made to simplify the existing grade structure of the non-gazetted engineering posts.

39. We are of the view that the entry posts requiring the 3-year Diploma in engineering, of whatever speciality, should be Rs. 210—425 (existing terms). In the approximately the same range of pay is broken into two grades of Rs. 205—280 and 380. The Overseas Communications Service the All India Radio have an initial entry Rs. 210—470. Though this scale too could appropriately, have been equated with the Rs. 210—425, the slightly longer grade structure in these organisations in order to provide internal parity with other cadres.

40. The next level in various departments at different scales at present. In the scientific organisations we have provided a uniform scale of Rs. 550—900 above the initial entry of Rs. 425—700. Direct recruitment to the Rs. 425—700 will be from among those who have a Honours Degree, or a high second class degree in science, or a diploma in engineering. In engineering organisations also, specially in the telecommunications, Graduates in Engineering as in science have entered in large numbers in the existing initial grade of either Rs. 210—425 or Rs. 180—380. Keeping in view, and on the general premise that, as far as possible, the non-gazetted engineering staff should have the same grade structure, we feel that the recruitment grade for the diploma holder should be generally one of Rs. 425—700, the next higher grade should be generally Rs. 550—900. Where, however, the pattern requires the presence of more than one grade above the initial grade, the range of Rs. 425—700 should be split into two grades, namely, Rs. 425—550 and Rs. 550—700.

Railways

42. The number and scales of pay of the engineering supervisory categories in different departments of the Railways, other than the workshop supervisory staff are given in the Table below:—

TABLE IX

Pay	Number of posts						
	Civil Engg.			Signal & Telecommunication		Electrical	Mechanical
	PWI	IOW	BRI	Signal Insp.	Telecom. Insp.	Electrical Inspector	Train Examiner
139	56	18	106	66	56	8	449
465	179	42	108	58	30	50	246
522	380	35	128	75	48	45	686
2134	840	100	246	121	27	245	296
..	..	..	869	392	49	3290	1576
..	..	..	..	..	..	2273	7674
..	..	..	..	..	..	..	2273
TOTAL	3260	1455	195	1457	712	210	5911
							13200

In the Mechanical Engineering department, in the scale of Rs. 180—240 and Rs. 205—280 named as Train Examiners and posts in the grades as Head Train Examiner, Carriage & Inspector, Carriage & Wagon Foreman and Train Examiner. In the other departments the in the scale of Rs. 205—280 are designated as Inspector and the posts in the higher grades Inspector III, II, and I. A 3 year Diploma in Engineering is the basic entrance qualification for all these categories, except that for the Bridge Inspectors and the Train Examiners, Matriculates are considered eligible. Another exception is the category of Telecommunication Inspectors, for which graduates are also considered eligible. To the special Railway needs all direct recruits, Diploma holders or Science graduates or Matriculates, have to undergo apprenticeship for periods ranging from one to four years for Diploma holders and five years for the Matriculates. During the period of apprenticeship the are entitled to a stipend as well as dearness, gratuity (city) and house rent allowances at appropriate rates. On satisfactory completion of the period and passing of the prescribed tests, the direct recruits are appointed to posts of Assistant Inspectors. We do not recommend any higher start for the category who have to undergo varying periods of apprenticeship.

There is no uniformity in the proportion of recruitment to the various categories. It is in the case of Civil Engineering Inspectors, in the case of Electrical Inspectors, 66 2/3 per cent in the case of Telecommunication Inspectors and

40% in the case of Signal Inspectors. There varying percentages of direct recruitment are based on the availability of personnel of requisite quality from internal sources.

45. The promotion quota in each category is filled by Mistries (Rs. 150—240) in the case of Civil Engineering department; Electrical, Signal and Telecommunication, Maintainers (Rs. 130—212 or 175—240) in the case of Signal and Telecommunication and Electrical departments; and by Skilled Artisans generally in the scale of Rs. 110—180 in the case of Train Examiners in the Mechanical Engineering department. The departmental promotees also are given training for a period of six months to a year.

46. The Second Pay Commission had recommended a starting salary of Rs. 180 for Assistant Inspectors in the Permanent Way Branch, on the ground that the period of apprenticeship for them was only three years, whereas in other Departments of Railways it was five years. This was not, however, accepted by Government on the consideration that it would disturb the internal parities.

47. The existence of three or four supervisory levels above the Assistant Inspector does not seem to be justified, either by requirements of work, or by differences in the duties and responsibilities. The official witnesses also indicated their preference for one grade of Assistant Inspector and only two grades of Inspectors. We shall deal with the category of Training Examiners of the Mechanical Engineering

PWI: Permanent Way Inspector.

IOW: Inspector of Works.

BRI: Bridge Inspector.

department later in this section. In the other departments, we recommend that the grade of Assistant Inspector and Inspector Level III should be merged into a single grade and designated as Inspector Level III. Above this there should be two grades of Inspectors Level II and Level I. We recommend the following scales for these three levels:—

TABLE X

Designation	Existing scale (Rs.)	Proposed scale (Rs.)
Inspector Level III	205-280 250-380	425-700
Inspector Level II	335-425 335-485 370-475	550-750
Inspector Level I	450-575	700-900

48. The Permanent Way Inspectors have a grievance that despite repeated recommendations of various Railway Accident Enquiry Committees, they have not been relieved of responsibility for the custody and accounting of stores materials. The departmental witnesses have informed us that various proposals are under consideration for relieving Engineering Inspectors of their stores charge to the extent practicable. It should, however, be recognised that custody of stores is an inseparable part of the duties of Inspectors, and that there is no justification for granting a special pay as compensation for such work. Another grievance of Civil Engineering Inspectors is that a large number recruited for project construction work continue on the temporary establishment for years which adversely affects their career prospects as well as service and retirement benefits. We understand that a proposal to create a pool of construction reserve posts to the estimate of about 50% of the temporary posts is under consideration. This would take care of the problem of confirmation of temporary staff to a large extent.

49. The Bridge Inspectors have complained that when engaged on major construction projects their headquarters are temporarily transferred to the site of work with the consequent disadvantage of their having to maintain double establishments without pecuniary compensation. We understand that as a rule the headquarters are not shifted unless a project site has reasonable facilities. Alternatively, a project allowance is sanctioned if essential civic amenities are lacking at a project site. The Chairman, Railway Board, however, agreed to issue further instructions to the Railways in this matter. They have also complained that their promotion prospects to Class II as compared with other similar categories. We are unable to find any concrete evidence to substantiate this complaint.

Train Examiners.

50. Unlike in the case of the allied engineering categories, there are two grades for Assistant Train Examiners namely, Rs. 180—240 and Rs. 205—280,

While posts in the lower grade are filled entirely by promotion from artisans (Rs. 110—180), the vacancies in the higher grade are filled by recruitment from Matriculates, or Engineering diploma holders, who are trained for 5 years and respectively; 20% are filled by departmental Artisans, provided they fulfil the same educational qualifications as for the direct recruits and are above 35 years of age. The training period of artisans is one year and of lower grade artisans 3 years (in-service). The remaining 20% are filled by promotion from Train Examiners from the grade of Rs. 180—240.

51. The principal duties and responsibilities of Train Examiners relate to inspection and minor repairs of all wagons and carriages on incoming and outgoing trains and thorough repairs of all marked 'sick' and placed in Wagon Repair (sick lines).

52. The Train Examiners' Associations have expressed that the recruitment qualifications as well as the training of Train Examiners have been considerably stepped up since the time of Second Pay Commission, and, having regard to the more sophisticated rolling stock with higher axle loads and speeds which have increased their responsibilities, Assistant Train Examiners deserve to be placed in the grade of Rs. 205—280. They have also pointed out that the duties performed by Train Examiners in the grades of Rs. 180—240 and Rs. 205—280 are identical in nature, and, in fact, interchangeable work in shifts.

53. We understand that the Railway Board with effect from 1-11-1972 decided that Assistant Train Examiners working in the grade of Rs. 180—240 should be placed *en masse* in the grade of Rs. 205—280. A major grievance of the Examiners has thus been removed. We would, however, draw attention to one or two consequences of this decision. First, complement in the initial years of Train Examiners has become very large resulting in an unbalanced cadre structure. Second, there is no middle level of sufficient size between the grade (Rs. 110—180) and the Assistant Train Examiner's grade which will be in the scale of Rs. 180—380 in existing terms. The Highly Skilled Assistant grade for this category has been created only recently and in very small numbers. As a result, whereas in other Engineering cadres promotion from Assistant Inspector's grade is from Highly Skilled Grade I or II, or Mistries, in the Train Examiner's category, promotion will be from the skilled grade (Rs. 110—180) directly to the grade of Rs. 180—380. This is likely to have repercussions on wages and other allied cadres. It would have been more advantageous to have retained the lower grade of Assistant Train Examiners (Rs. 180—240) and allocated different types of work to the Assistant Train Examiners in the two grades so that by and large the two grades would cease to be interchangeable. The Administration may, therefore, examine the feasibility of reintroducing this grade by downgrading the vacancies in the combined grade as they are and operating them in the grade of Rs. 175—380.

terms). If there are likely to be practical difficulties in implementing this suggestion the proposed grade of Rs. 175—300 may be treated as Skilled Grade I so that it would provide an intermediate level for Skilled artisans before promotion to the Assistant Train Examiners' grade. Government may also review the gradewise percentage distribution of posts for this category as 92—94% filled. The posts will now be in the lowest grade.

We recommend the following scales of pay for various categories of Train Examiners:—

TABLE XI

Category	Existing scale (Rs.)	Proposed scale (Rs.)
Examiner	450-575	700-900
Do.	370-475	550-750
Do.	335-425	
Do.	250-380	455-700
Do.	205-280	380-640 with a start of Rs. 425/- for Diploma holders.
Do.	180-240	

POSTS AND TELEGRAPHS DEPARTMENT

Engineering Supervisors

The Engineering Supervisors constitute the non-gazetted technical supervisory cadre in the Communications Branch of the P. & T. Department. Their number of scales of pay are given

TABLE XII

Grade	Scale of pay (Rs.)	No. of posts
Grade	Rs. 180-10-290-EB-15-380	7446
Grade (10% of the total posts in the Ordinary Grade)	335-15-485	292

is more advantageous to them. The promotion quota is filled to the extent of 10% from amongst categories in the scale of Rs. 150—300 and to the extent of 15% from amongst other Class III engineering employees on lower scales of pay. Promotion is on the basis of a competitive examination and the candidates must have passed the Higher Secondary or equivalent with Science and Mathematics as compulsory subjects and have rendered a minimum of 5 years' service in their respective grades.

57. The period of training for direct recruits is 12 months and for promotees 16 months. The Engineering Supervisors are employed on construction, installation and maintenance work in all the fields of telephony and telegraphy. Under the supervision of the gazetted staff, they are called upon to work in exchanges, whether strowger or cross-bar, and to deal with micro-wave and carrier installations. They are generally either in independent charge of specific 'sections' assigned to them or they assist the gazetted officers. They are eligible for promotion to the Selection Grade on the basis of seniority-cum-fitness subject to their having rendered a minimum service of 10 years in the ordinary grade. They also have an avenue of promotion to the posts in the Telegraph Engineering Service, Class II on the basis of selection after they have passed a qualifying examination.

58. The Telecommunication Engineering Supervisors' Association (affiliated to the FNPFO) has argued that due to rapid technological development in the telecommunication field, their work has increased in complexity requiring greater technical skill and knowledge than before. This, according to them, is evidenced by the changes in the standards of training. On these grounds the Association has claimed that they should more appropriately be compared with the parallel categories of Engineering Assistants in the All India Radio and Technical Assistants in the Department of Civil Aviation and the Overseas Communications Service.

59. Looking into the differences in the kind of work performed, we do not think such parity would be justified with the Engineering Assistants in the All India Radio and the Technical Assistants in the Department of Civil Aviation and the Overseas Communications Service. Incidentally, the latter have always had a lead over this category. For the Engineering Supervisors in the Posts & Telegraphs we recommend the revised scale of Rs. 425—700. We also recommend that 10% of the posts in the ordinary grade should be placed in the selection grade of Rs. 550—900 subject to our general observations on Selection Grades.

DEPARTMENT OF COMMUNICATIONS (EXCLUDING P & T)

(a) Wireless Planning and Coordination Wing

60. In the Wireless Planning and Coordination Branch and Monitoring Organisation of the Department of Communications, the Technical Assistants

See the Report of the Second Pay Commission. The proportion of direct recruitment has been 50% to 75% and the minimum education has been raised from Intermediate to a Degree in Engineering or a Degree with Physics/Mathematics or a Diploma in Engineering obtained on successful completion of a 3 years course after Matriculation. Under the existing system of selection of candidates is made on the basis of marks obtained in the University examination. Those having 50% or more marks in the examination are placed in the order of merit followed by those having less than 50% marks and all the candidates are allowed a higher initial start of Rs. 240. Engineering Supervisors who obtain a Degree in Engineering while in service are also allowed the benefit of three advance increments, whichever

Grade I and Grade II and Technicians Grade I constitute the subordinate engineering cadre. The number of posts and their scales of pay are given in the table below:—

TABLE XIII

Designation	Existing Scale of pay (Rs)	Number of posts	Qualifications and method of recruitment
Technical Assistant Grade I (Class II Non-Gazetted)	325-15-475-EB-20-575	29	50% direct recruitment. Degree in Telecommunication Engineering (or) Degree in Electrical Engineering with Radio Communications (or) M.Sc. (Physics) with Wireless Communication (or) Degree in Physics and Mathematics and with one year's experience in the Technical Wing of a large Radio organisation. 50% promotion from Technical Assistant Grade II/Technician Grade I with 3 years service (one out of 13 posts reserved for Technician Grade I).
Technical Assistant Grade II	210-10-290-15-320-EB-15-425	127	Direct recruitment 100%. Science Graduate with one year's experience or Diploma holder or I.Sc. with 2 years experience or Matric with 3-5 years experience. Should also be able to receive signals at 22-25 words per minute in plain language and code.
Technician Grade I	210-10-290-15-320-EB-15-425	7	Direct recruitment 50%. Matriculation and Diploma in Radio servicing and two years experience in a factory or 5 years experience in a radio organisation or installation or aerial system, overhead line maintenance, electronic equipment etc. 50% by promotion of Grade II.

61. We understand that some difficulty has been experienced in recruitment to Technical Assistants Grade II. Compared to the other engineering cadres the promotion prospects of Technical Assistants Grade II are more limited. There is thus a case for reducing the percentage of direct recruitment to Technical Assistants Grade I considering that there is 100% direct recruitment to Grade II.

62. Taking into consideration the qualifications and nature of duties, we suggest that Technical Assistants Grade II and Technicians Grade I should be in the scale of Rs. 425—700. For the Technical Assistants Grade I we recommend the scale of Rs. 550—900.

Overseas Communications Service

63. In the Overseas Communications Service (Department of Communications) we need only the following categories:—

Designation	Pay scale
Junior Technical Assistant	Rs. 210-10-290-15-320-EB-15-425-EB-15-470
Technical Assistant	325-15-475-EB-20-575

64. Junior Technical Assistants are recruited from among Graduates with Physics of the subjects; or three-year Diploma in Telecommunications/Electrical Engineering; intermediate in Science with Physics and Mathematics subjects and with a second class certificate in Wireless Operator or with two years experience in advanced Radio Communication, or in the Radio/Electronics industry. 75% of Technical Assistants are filled to the rest are filled by direct recruitment, either the Engineering Service (Electronics) conducted by the U.P.S.C. or by *ad hoc*. The qualifications prescribed for direct recruitment are a Degree in Telecommunication Engineering or M.Sc. (Physics) with Wireless as a specialisation.

65. The Junior Technical Assistant in the Communications Service is on the same scale as Engineering Assistant in the All India Engineering Service (Rs. 210—470); this scale happens to be lower than those applicable to similar categories in the P. & T. (Rs. 180—380) and in the Wireless and Coordination Wing (Rs. 210—425). In view of the reason to change the existing relatively low scale for these posts the following scales:—

Junior Technical Assistant:	Rs. 425—
Technical Assistant:	Rs. 550—

MINISTRY OF DEFENCE

Military Engineer Service

66. The distribution of Class III Engineers in the Military Engineer Service in the three branches—Buildings and Roads, Electrical and Mechanical and Survey—is given in the table below:—

TABLE XIV

Designation	Pay scale
Superintendent B/R, E/M, Grade I in charge of Sub-Divisions or Charge Holders	Rs. 450-225-575
Superintendent B/R, E/M, Grade I Surveyor Assistant Grade I	335-15-485
Superintendent B/R, E/M, Grade II Surveyor Assistant Grade II	180-10-290-EB-15-425
Sub Overseer	110-3-131-4-143-EB-1-155
Total	

151-26

these posts is as follows:—

TABLE XV

123

50

65

66

843*

Design Assistant/Technical Assistant in the Central Water & Power Commission

Research Assistant (Engg.) in the Central Water & Power Research Station, Khadakvasla

Supervisors

Rs. 210-425 (initial start of Rs. 250/- is given in the scale and in addition a special pay of Rs. 30/-)

-do-

Rs. 180-380

Number of posts

65

66

843*

All the posts of Design Assistants/Technical Assistants and Research Assistant (Engg.) are filled by direct recruitment from among the Engineering Graduates. A higher initial start and special pay are provided to attract good Engineering Graduates to this grade. We do not consider this arrangement to be tidy and recommend for these posts the scale of Rs. 550-750. The Supervisors should be in the scale of Rs. 425-700.

Posts on other scales of pay in different Departments

69. The engineering posts in other departments which carry the scales of Rs. 450-575, Rs. 325-575, Rs. 335-485, Rs. 210-425 and Rs. 180-380 should be allotted the revised scales as indicated above. Posts which carry odd scales of pay as listed in para 32 above have been dealt with under the respective chapters covering the concerned departments.

Higher initial starts for Engineering Graduates

70. Before concluding with this category, we wish to refer to the existing practice in some Departments or giving six advance increments to engineering graduates who are recruited to posts for which the minimum prescribed qualification is only an engineering diploma. From the figures that have been made available to us it seems that the attraction of a higher start for the graduate engineer is resulting in a large number of vacancies going to such graduates. From the year 1966, the approximate date when this concession of advance increments seems to have commenced, 51.9 per cent of the vacancies of Engineering Supervisors in the Posts & Telegraphs and 67.6 per cent of the vacancies of Supervisors in the Water Wing of the Central Water & Power Commission have gone to engineering graduates. The Central Public Works Department and the Power Wing of the Central Water & Power Commission had engineering graduates coming into the grade of Rs. 180-380 to the extent of 24 per cent and 28 per cent respectively. While the inducement of six advance increments might have been introduced initially to attract engineering graduates, it seems to us that the existing provision

Designation	Pay scale	Number of posts
Design Assistant/Technical Assistant in the Central Water & Power Commission	Rs. 210-425 (initial start of Rs. 250/- is given in the scale and in addition a special pay of Rs. 30/-)	65
Research Assistant (Engg.) in the Central Water & Power Research Station, Khadakvasla	-do-	66
Supervisors	Rs. 180-380	843*

All the posts of Design Assistants/Technical Assistants and Research Assistant (Engg.) are filled by direct recruitment from among the Engineering Graduates. A higher initial start and special pay are provided to attract good Engineering Graduates to this grade. We do not consider this arrangement to be tidy and recommend for these posts the scale of Rs. 550-750. The Supervisors should be in the scale of Rs. 425-700.

Posts on other scales of pay in different Departments

69. The engineering posts in other departments which carry the scales of Rs. 450-575, Rs. 325-575, Rs. 335-485, Rs. 210-425 and Rs. 180-380 should be allotted the revised scales as indicated above. Posts which carry odd scales of pay as listed in para 32 above have been dealt with under the respective chapters covering the concerned departments.

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MINISTRY OF WORKS & HOUSING Public Works Department

There are 3,998 posts of Junior Engineers (30-40) in the two branches of this Department—Civil and Electrical. An all-India Competitive Examination has been introduced this year for direct recruitment to these posts. 10 per cent of the permanent posts are in a selection grade (Rs. 335-485). The remaining posts are in the scale of Rs. 425-700 for the Junior Engineer and Rs. 550-900 for the Selection Grade Engineer.

Water & Power

In the two wings of the Central Water & Power Commission—Water and Power—the distribution of posts is as follows:

1. The posts in the Farakka Barrage Control Board, Ganga Basin Water Resources Circle, etc.

as been too liberal. We do not think that it is a healthy arrangement to have a large percentage of graduate engineers in cadres for which a diploma in engineering is all that is considered necessary. This practice is not only an unnecessary burden on the exchequer but also involves under-utilisation of engineering graduates and raising expectations in them which cannot be satisfied. This concession should, therefore, be withdrawn.

IV. Draftsmen

71. We deal here with the engineering and architectural drawing staff, commonly known as Draftsmen. We have dealt with the allied categories of Cartographers, Surveyors, Draftsman-Surveyors, and Sur-

veyor-Draftsman in the Chapters relating to Departments. The Draftsmen have been given a series of designations in different departments such as, Draftsman Grade I, Grade II, Grade III, Assistant Draftsman, Junior Draftsman, Senior Draftsman, Chief Draftsman, Head Draftsman, Supervisor (Drawing), Estimator and Project Computer.

72. There are 17,839 posts in this category distributed in 33 departments and carrying 30 scales of pay. The concentration, however, is in 20 scales accounting for 16,931 posts or 95.0 per cent of the total. The distribution is shown in the following table :—

TABLE XVI
Draftsmen in the Main Scales of Pay and Department

Pay scale (Rs.)	Defence	Railways	Education	Works & Housing		Irrigation & Power	P. & T.		Mines	Shipping & Transport	Food & Agriculture	Atomic Energy	Labour & Employment	Other
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. 110-4-170-5-200	1328	1803	10	571	—	313	84	278	67	78	34	2	21	—
2. 110-4-170-5-225	—	—	555	—	—	—	—	—	110	—	—	—	—	—
3. 150-5-175-6-205-7-240	2097	1469	332	343	2	315	68	259	153	35	37	51	50	24
4. 205-7-240-8-280	1558	—	314	53	236	229	41	11	—	27	15	5	23	13
5. 180-10-290-15-380	—	—	133	91	—	—	5	—	104	15	5	—	4	—
6. 205-7-240-10-290-15-380	—	1283	—	—	—	—	—	—	—	—	—	—	—	—
7. 325-15-475	—	—	—	—	—	—	—	—	53	—	—	1	—	—
8. 335-15-425	521	23	17	—	46	—	—	4	—	16	1	—	2	—
9. 335-15-485	81	608	—	—	—	—	—	—	—	—	—	—	—	—
10. 450-25-575	273	152	—	8	1	42	—	—	—	8	1	—	1	—
Total:	5858	5338	1361	1066	285	899	198	552	487	179	94	59	101	49
11. 20 Other scales	210	7	255	—	13	—	—	6	25	5	30	321	8	2
Grand Total :	6068	5345	1616	1066	298	899	198	558	512	184	124	380	109	48

73. The 908 Draftsmen shown in item 11 of Table are on the following 20 scales :—

Rs.	Rs.
(i) 110-180 (225);	(ii) 130-300 (37);
(iii) 150-205 (2);	(iv) 150-280 (8);
(v) 150-300 (137);	(vi) 150-380 (1);
(vii) 168-300 (3);	(viii) 205-350 (2);
(ix) 210-350 (1);	(x) 210-380 (1);
(xi) 210-425 (164);	(xii) 250-380 (76);
(xiii) 250-470 (2);	(xiv) 250-475 (112);
(xv) 320-530 (5);	(xvi) 325-430 (1);
(xvii) 325-575* (123);	(xviii) 350-475 (1);
(xix) 370-475 (5);	(xx) 350-900 (2).

74. The Second Pay Commission recommended five scales of pay as follows :—

- 110-200;
- 150-240;
- 205-280;
- 335-425; and
- 450-575

Where there was no further outlet for promotion for Draftsman in the scale of Rs. 150-240, about 10 per cent of the posts were to be placed in the selection grade of Rs. 205-280.

* This scale has two variants.

75. Since the Second Pay Commission reported, the Draftsmen's scales have remained unchanged in two departments, the Railways and the Ministry of Defence. In the Railways the two grades of Rs. 280 and Rs. 250-380 were merged into one of Rs. 205-380 with effect from 1-1-1965. In the scale of Rs. 335-425 was merged with Rs. 370-475 the new scale of Rs. 335-485 was adopted. In Electrical and Mechanical Engineering, Army Ordnance Corps, Navy and Air Force establishments (including cadres) of the Ministry of Defence the two grades of Rs. 150-240 and Rs. 205-280 were replaced by the grade of Rs. 150-300, with 1/3rd of the strength being placed in the grade of Rs. 250-380.

76. There is considerable variation in the qualifications prescribed for the same grade in the different departments. However the general pattern appears to be as follows :—

- For the grade of Tracer (Rs. 110-200) the requirement is Matriculation with a certain minimum experience the duration of which does not normally exceed one year. In the Posts & Telegraphs, (or its Civil Engineering Wing), however, Matriculation with two years' experience or a certificate in Draftsmanship or Civil Engineering (both of two

after Matriculation) are recruited to this in the Geological Survey of India, direct recruitment to the grade of Rs. 110-200 (Draftsmen) is from among Matriculates who have a Draftsmanship preferably in fine arts or applied arts.

The next higher grade of Rs. 150-240, the scale is generally a Diploma in Draftsmanship or equivalent qualification in Architecture (both of 3 years duration after Matriculation).

The third level is generally that of Rs. 205-380 in the C.P.W.D. and Rs. 180-380 in the Railways. Direct recruitment to this is from among diploma holders in engineering or architecture (both of 3 years duration after Matriculation).

Above this level, direct recruitment is exceptional where it exists it is from among Engineers or their equivalent. Such direct recruitment takes place in the Railways to 25 per cent of the posts in the scale of Rs. 335-485 from among diploma holders in the Ministry of Defence direct recruitment to 50 per cent of the posts in the scale of Rs. 450-575 from among Degree holders in Engineering or B.E.s., or Diploma holders with 5 years experience.

Draftsmen are employed mainly in engineering, drawing or architectural drawing offices. Their duties consist primarily of preparing engineering and architectural drawings of various types. They may be called upon to work up rough sketches into engineering drawings. These drawings may be for design or manufacturing purposes or may be the blue prints, according to which buildings and engineering structures, machines, components are constructed or made. Draftsmen are engaged in estimating the material required for construction of projects. The responsibilities increase as they progress along the grade structure.

The associations of draftsmen have, complained of poor promotion prospects, early stagnation in the scale of Rs. 150-240 (16 years) and of Rs. 180-380 (10 years). They have added that they have been asked to look forward to, unlike other engineering or non-technical sides. They have complained that even though they have qualifications comparable to the other engineering sides, and are closely associated with the latter, their pay scales have been pitched low in relation to their other engineering colleagues.

It is noted that fully qualified draftsmen, who undergo a two-year course after their Matriculation are now being recruited on a scale of Rs. 110-200 or in some cases even on the lower scale of Rs. 110-200. We feel that the scale of Rs. 150-240 is low whether from the point of view of the qualifications demanded or of the duties, normally performed. Similarly, it seems incongruous that the Diploma holders in Engineering recruited to drawing office should have a scale of only Rs. 180-380 while the lower scale for those recruited to the engineering line is Rs. 180-380, where the minimum is higher by Rs. 100/-. Regarding the

complaint about the non-availability of Class II posts, we have felt that these posts in the gazetted ranks should not be created merely to improve prospects of promotion. We would, however, recommend that draftsmen who possess a three-year diploma in engineering should be provided with an opening to posts in the scale of Rs. 550-750 in revised terms, in the regular engineering line. This should enable them to progress further and achieve gazetted status in that line if they are found suitable.

80. We feel that there is no justification for the existence of as many as thirty different pay scales in the range of pay from Rs. 110 to Rs. 575, in a category where the levels of the skills required are fairly well established and could be expected to be homogenous among the various departments. We recommend that draftsmen should be assigned the following revised scales and should satisfy the qualification requirements noted against each for purposes of direct recruitment.

TABLE XVII

Level	Proposed scale (Rs.)	Qualifications for direct recruitment
I	260-430	Matric plus one year's experience.
✓ II	330-560	Matric plus 2-year diploma in draftsmanship or its equivalent.
III	425-700	Matric plus 3-year diploma in engineering or its equivalent.
IV	550-750	Degree in engineering or its equivalent.
V	700-900	Degree in engineering or its equivalent with experience.

81. Our specific recommendations for the revision of the populous grades are as follows :-

(i) All the posts which are now in the scale of Rs. 110-200 should be brought on to the scale of Rs. 260-430. In the Posts and Telegraphs Department (outside its Civil Engineering Wing) where the prescribed qualification for the grade of Rs. 110-200 is Matriculation with a Diploma in Draftsmanship, the duties in these posts should be examined to see if any of the posts would deserve to be placed in the next higher grade. Such posts should be placed in Level II. The remaining posts should be in Level I. The grades of Draftsman III (Rs. 110-200) and Draftsman II (Rs. 110-225) in the Geological Survey of India should be merged and placed in Level I; however, as here too the qualifications for direct recruitment are Matriculation with a 2-year diploma course in draftsmanship the duties in the posts should be examined and such of the posts as would deserve to be upgraded may be placed in Level II. In future, the qualification requirement for recruitment to the grade of Rs. 110-200 should be already prescribed above.

(ii) All the posts now in the scale of Rs. 150-240 should be brought on to the scale of Rs. 330-560.

(iii) The post in the scale of Rs. 180-380 should be placed in Rs. 425-700. Half the number of posts in the scale of Rs. 205-280 should also be placed in the

152

posts of Senior Architectural Assistant in the Architectural wing of the Central Public Works Department. There is direct recruitment to all these posts from among graduates in architecture. These posts should be in the scale of Rs. 550-900.

TABLE XVIII

Rs.	Rs.	Rs.	Rs.
Level I 110-180	260-430		
Level II 130-300	330-560		
Level III 150-380;	425-700	150-280	150-300;
210-425	205-350	210-350	210-380;
Level IV 325-430	250-380	250-470	
	550-750		
	325-475;	335-425	335-485;
Level V 450-575	700-900		370-475;
Standard Class II Scale 350-900		Rs. 650-1200	

82. Ferro Printers are employed to prepare of finished charts, drawings etc. There are 1246 in this category in 18 departments and on 11 of pay. The concentration is in the Ministry of Defence and Railways and in 7 scales of pay. distribution is given in the table below :—

TABLE XIX

Scale Rs.	Defence	Railways	Irrigation & Power	Posts & Telegraphs	Transport & Shipping	Works & Housing	Labour & Employment	Home Affairs	Others
1	2	3	4	5	6	7	8	9	10
70-1-85	—	87	7	1	—	—	—	—	—
75-1-85-2-95	94	1	—	—	—	—	4	—	2
75-1-85-2-95-3-110	—	4	—	—	—	1	—	—	—
80-1-85-2-95-3-110	—	—	—	—	—	—	—	—	—
85-2-95-3-110	1	235	—	—	—	—	—	—	—
85-2-95-3-110-3-128	—	—	—	—	—	—	—	—	—
105-3-135	90	—	—	—	—	—	—	—	1
110-3-131	—	100	—	—	—	—	—	—	—
110-3-131-4-175-5-180	422	—	—	31	18	19	9	1	29
110-4-170-5-200	—	—	—	—	3	—	—	—	1
150-5-175-6-205-7-240	5	18	36	—	—	—	—	9	15
	—	—	2	—	—	—	—	—	—
Total	612	445	45	32	21	20	13	10	48

nature and are filled by promotion from the grades Rs. 110-200. In the Ministries of Works & Health, Finance, Transport & Shipping, Information & Broadcasting, Railways, and Irrigation & there is direct recruitment to the grades Rs. 110-131, Rs. 110-180, and Rs. 110-200 from Matriculates with experience. Posts in other grades are filled either by promotion from the lower grades or by direct recruitment of those who have

⁴⁶ Chapter 42.

300; 380; 485; 475; The Commission reviewed the qualifications that have been required for direct recruitment to these posts in various grades and categories from which they are recruited. It appears that there are differences in the duties performed by the Ferro Principal in the different departments and as such a number of scales would be justified. However, there does not seem to be any need for as many as 11 grades as now in existence and many of which differ only slightly from one another. The scales which now exist should be broadbanded into five scales as given

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Existing scales (Rs.)	Proposed scales (Rs.)	Qualifications for direct re- cruitment
(i) 70-1-85	(i) 185-220	—
(ii) 75-1-85-2-95 75-1-85-2-95-3-110 80-1-85-2-95-3-110 85-2-95-3-110 85-2-95-3-110-3-128	(ii) 200-280	Middle pass with some ex- perience in the line
(iii) 105-3-135 110-131	(iii) 225-308	
(iv) 110-3-131-4-175-5- 180 110-4-170-5-200	(iv) 260-430	Matriculation with some ex- perience in the line.
(v) 150-5-175-6-205-7- 240	(v) 330-480	—



SUMMARY - 32 -

Name of establishment and post	Name of incumbent	Due																	
		Rate of pay		Pay and special pay		Officiating pay		Leave salary		Dearness allowance		Comp (city) and H. Rent allowances		Other comp. allowances and other charges		Total of the section			
		3	4	5	6	7	8	9	10	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.
1	2	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.
One ofs				475	-			164	-			4760	686	65					
One Sr Acct				285	-			146	-	2965		3160	492	25					
One Jr Acct				230	-			146	-	2550		2720	428	70					
One S.A.S				395	-			146	-	3790		4040	619	30					
One A.S. Complaints				425	02			160	-	4090		4360	669	52					
One JPo				305	-			146	-			3320	484	20					
Two Jg				350	-	240	-			292	-	6075	6480	1007	55				
Two CS						561	65	5235		292	-	6300	6720	1042	20				
One H.A.						395	02			146	-	3790	4040	619	32				
One S.S.F. &)						365	-			146	-		38	-	549	-			
One E.S. painted work						270	-			146	-	2850	3040	474	90				
One Bldg ofs						250	02			146	-		2880	424	82				
Two H.A.				1565	00	1510	00	18250		1436	00	20105	32520	5219	75				
One SS Sleno						220	-			146	-		2640	392	40				
62 J Po				8515	41	3392	98	22550		7578	90	118790	142820	22338	89				
7 L.F. Use						1021	62			647	75	9690	12660	1893	07				
32 L de				1592	60	1900	47	8680		2737	10	42790	46425	7209	12				
3 L/R L de				316	15	5285	294	45	-			45		4630	754	30			
8 Sleno				336	-	502	-			610	-	5675	10305	1607	80				
One draftsman				150	-					122	-	18	-	1920	309	20			
One compositor				138	-					58	-	1560	1665	268	25				

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Income tax	Deductions										Total deductions		Net amount payable		Signature of Payee	21
	G. P. F. Contributions	P. I. Premia	Audit Office recoveries	House rent recoveries	G.P.F. advance recoveries	Other deductions	Total deductions	Net amount payable	Signature of Payee	Total deductions	Net amount payable	Signature of Payee	Total deductions	Net amount payable	Signature of Payee	Total deductions
	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.
30	70														16725	51935
3	25														11100	38125
	80														8000	34870
64	40	2935													26935	34995
21	32	2462													10962	55990
	25														13480	34940
8	121														14700	86055
12	52	3640													27340	76880
12	100	812													25112	36820
8	100	2350													18380	36520
	23														7300	40190
	90	807													13727	28755
375	128	46	500	382	6980	2000	537	34	26						195040	326935
125		50													12890	26350
500	528														728994	1504895
138															54817	134490
125	194														219302	501610
															23000	5243
250															27750	133030
																30920
															5560	21165

200 1278601 1505993 60600 1584395 257320 306575 4774684 108400 146 15 460000 61024 12000 81520 62430 2124 29215 8400 5500 500 7400 1474269 3300415

Notice.

From : N.D. Goswami
Advocate.

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To : Mr. A. Deb Roy
Sr. Case.

Sub: Additional statement -
Submitted by the
applicant -

Sir

Enclosed please find
herewith a copy of
Additional statement
filed by the applicant

Kindly acknowledge
the receipt of the same

Received copy
of 12/6
Sr. Case

Yours sincerely
N.D. Goswami
Advocate
12/6/07