

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.

Original Applications No. 106 of 2004

Jabalpur, this the 29th day of March, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Arvind Kumar Nema, aged about 33 years,
Son of late K.L. Nema, SDO Gr-I, at present
Posted at Defence Estate Officer, Bangalore,
Permanent resident of 1461, Saraswati Colony,
Jabalpur (MP).

Applicant

(By Advocate – Shri R.K. Verma)

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Defence,
New Delhi.
2. Principal Director of Defence Estate,
Ministry of Defence, Central Command,
Lucknow Cantt.
3. Defence Estate Officer, Jabalpur Circle,
Jabalpur Cantonment, Jabalpur (MP).
4. Controller of Defence Accounts
(Pay Tech.), Ridge Road,
Jabalpur (MP).

Respondents

(By Advocate – Shri A.P. Khare)

ORDER

By M.P. Singh, Vice Chairman –

By filing this Original Application, the applicant has sought the following main reliefs :-

- “i. that an order in the appropriate nature may kindly be issued directing the respondents to pay the petitioner the pay scale of Rs. 5000-8000/- w.e.f. 1.1.1996 and the arrears to that effect after revision of the same may also be directed to be paid alongwith interest till the realization of the amount,

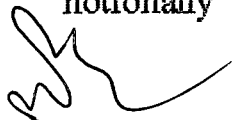


"i. that an order in the appropriate nature may kindly be issued directing the respondents to pay the petitioner the pay scale of Rs. 5000-8000/- w.e.f. 1.1.1996 and the arrears to that effect after revision of the same may also be directed to be paid alongwith interest till the realization of the amount,

ii. that an order in the appropriate nature may also be issued calling the respondents to show cause as to why payments have been delayed."

2. The brief facts of the case are that the applicant was recruited as SDO Grade-III in the pay scale of Rs. 1200-2040/- vide order dated 10th November, 1995 and was posted in the office of respondent No. 3. He is claiming higher pay scale in pursuance of the order issued by the Ministry of Defence, Government of India, dated 15th September, 1995 (Annexure A-4), whereby the pay scale of the SDO Grade-III i.e. Rs. 1200-2040/- was directed to be revised to the pay scale of Rs. 1400-2300/-, in pursuance of the decision taken way back on 13th March, 1984. According to the applicant, this benefit has already been extended to other similarly placed persons and as he fulfils all the requisite conditions as required by Ministry of Defence in their aforesaid letter dated 15th September, 1999, he is eligible for grant of higher pay scale of Rs. 1400-2300/-. In this regard he had submitted representations to respondent No. 3 and the respondent No. 3 has recommended his case for grant of revised pay scale but he has not yet been granted this higher pay scale. Hence, this Original Application is filed.

3. The respondents in their reply have stated that the Government of India, Ministry of Defence vide letter dated 15th September, 1995 implemented the orders contained in Ministry of Finance OM dated 13th March, 1984 and 19th October, 1994. The Government of India vide letter dated 13th March, 1984 and 19th October, 1994 have given higher pay scales to Draughtsmen of all Central Government Departments except CPWD with effect from 13th May, 1982 notionally and financial effects from 1.11.1983 based on the

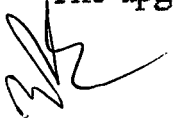


qualification and seniority. The applicant was appointed as SDO Grade-III in the pay scale of Rs. 1200-2040/- (pre-revised Rs. 330-560/-) on 20th November, 1995. He is asking the pay scale of Rs. 1400-2300/- which is the revised pay scale for the pay scale of Rs. 1200-2040/- (pre-revised Rs. 330-560/-) with effect from 15th September, 1995 based on the Government of India, Ministry of Defence letter dated 15th September, 1995. In this letter it is clearly mentioned that the revised pay scale of Rs. 1400-2300/- is not admissible to those Draughtsman cadres where Rs. 1200-2040/- (pre-revised Rs. 330-560/-) is the first entry pay scale on direct recruitment. As the applicant was initially appointed as SDO Grade-III in the pay scale of Rs. 1200-2040/- (pre-revised Rs. 330-560/-), he is not entitled to the revised pay scale of Rs. 1400-2300/-. Hence, he is not entitled for the reliefs claimed and this OA is liable to be dismissed.

4. Heard the learned counsel for the parties and carefully perused the pleadings and records.

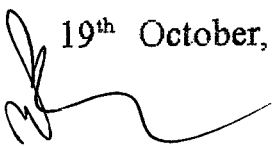
5. We have given careful consideration to the rival contentions made on behalf of the parties and we find that the question for consideration is whether the applicant who was appointed as SDO Grade-III on 20.11.1995 in the pay scale of Rs. 1200-2040/- is entitled for higher scale of pay of Rs. 1400-2300/- in terms of the Ministry of Defence letter dated 15th September, 1995 (Annexure A-4). The pay scales of Draughtsman in CPWD were upgraded as a result of the Award of Board of Arbitration. The same pay scales were extended to other Draughtsman Grade-I, II and III in Defence Estates, subject to the condition that their recruitment qualifications are similar to those prescribed in the case of Draughtsmen in CPWD.

The upgraded pay scales are as follows :




<u>Category</u>	<u>Original Scales</u>	<u>Revised Scales</u>
Draughtsmen Grade-I	Rs. 425-700	Rs. 550-750
Draughtsmen Grade-II	Rs. 330-560	Rs. 425-750
Draughtsmen Grade-III	Rs. 260-430	Rs. 330-560


Subsequently, the Ministry of Finance vide its letter dated 19th October, 1994 have also extended these higher pay scales of CPWD to Draughtsmen Grade-I, II & III of other Government Departments, irrespective of fulfillment of requirement qualifications subject to completion of certain length of service. As per these instructions (a) minimum period of service for placement from the post carrying scale of Rs. 975-1540/- to Rs. 1200-2040/- (pre-revised Rs. 260-430 to 330-560/-) is 7 years; (b) minimum period of service for placement from the post carrying scale of Rs. 1200-2040/- to Rs. 1400-2300/- (pre-revised Rs. 330-560/- to Rs. 425-700/-) is 5 years; and (c) minimum period of service for placement from the post carrying scale of Rs. 1400-2300/- to Rs. 1640-2660/- (Pre-revised Rs. 425-750/- to Rs. 550-750/-) is 4 years. These benefits have also been subsequently extended to the persons working in the Defence establishment vide Ministry of Defence letter dated 15th September, 1995. Para 6 of these instructions contained in the aforesaid letter dated 15.9.1995 states that these orders shall not apply in respect of cadres of Draughtsmen where Draughtsmen Grade-III (Rs. 1200-2400/-) is the first entry grade by direct recruitment with further promotions to Draughtsmen Grade-II and Grade-I (Rs. 1400-2300/-) (Rs. 1600-2660/-) with the respective qualifications exactly similar to the corresponding CPWD categories. It is not in dispute that the applicant has been appointed as direct SDO Grade-III in the pay scale of Rs. 1200-2040/- on 20.11.1995 and, therefore, the benefits of the up-gradation/higher pay scale of Draughtsmen as per the instructions contained in the letter dated 15th September, 1995 cannot be extended to the applicant. Further, on a careful reading of the instructions contained in the letters issued by the Ministry of Finance dated 13th March, 1984 and 19th October, 1994 and Ministry of Defence letter dated 15th



September, 1995, ^{it is abundantly clear} ~~clearly~~ provides that the benefit of up-gradation is extended to Draughtsmen working in other Departments on the basis of the Award of Board of Arbitration ^{and 2} who were in position before 13th May, 1982. Since the applicant was not working in the Government service as Draughtsman in the year 1982 as he was recruited in the Government much after 1982, he is not eligible for the up-graded scale. In this view of the matter, we do not find any merit in this Original Application and the same is liable to be dismissed.

6. In the result the Original Application is dismissed with no order as to costs.

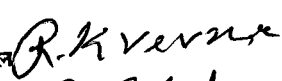
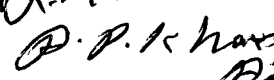

(Madan Mohan)
Judicial Member

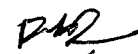

(M.P. Singh)
Vice Chairman

"SA"

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अर्जित :-

- (1) सचिव, उच्च न्यायालय एवं जलपुर, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/कु.....के काउंसल
- (4) मध्यपाल, ए.प.अ., जबलपुर न्यायाधीश सूचना एवं आवश्यक कार्यवाही हेतु

 R.K. Verma 22.03.88
 P.P. Khar 22.03.88

 P.P. Khar
6-4-85
उप रजिस्ट्रार

Issued
on 6-4-85
BS