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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 230 of 2004

Jabalpur, this the 17<sup>th</sup> day of December, 2004

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

Radheshyam Arma, S/o. Shri Ram  
Kishan Arma, aged 45 years, R/o.  
36/3 CPE State, Itarsi.

... Applicant

(By Advocate - Shri Bhagwan Singh on behalf of Shri R.K.  
Khare)

V e r s u s

1. Union of India, through the Secretary,  
Ministry of Defence Production and  
Supplies, Director General Quality  
Assurance, Defence H.Qs, New Delhi-  
110011.

2. The Director General Quality  
Assurance, Department of Defence  
Production, Ministry of Defence,  
Defence H.Qs, New Delhi-110011.

3. Senior Administrator Officer,  
For commandant Central Proof  
Establishment, Itarsi.

... Respondents

(By Advocate - Shri S.P. Singh)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has  
claimed the following main reliefs :

"ii) quash and set aside the impugned order dated  
9.5.2003 (Annexure A-1) so far as it relates to/  
affects the applicant,

iii) restrain the respondents from implementing  
the impugned order dated 9.5.2003 (Annexure A-1),

iv) command the respondents not to affect the  
applicant in any manner whatsoever, in pursuance to  
the impugned order."

2. The brief facts of the case are that the applicant is  
working on the post of Draughtsman Grade-III. On the basis  
of report of the IIIrd Pay Commission, the pay scales of  
Draughtsmen employed in the CPWD were revised. However,  
the concerned employees in the CPWD were not satisfied  
with the said decision and claimed that they ought to be

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placed on higher pay scales. This dispute was referred to a Board of Arbitration which gave an award on 20.6.1989 recommending upward revision in the pay scales. The three category of Draughtsmen Grade-I, II and III stood respectively revised from Rs. 425-700 to Rs. 550-750/-, Rs. 330-560/- to Rs. 425-700/- and Rs. 260-430/- to Rs. 330-560/-. On 13.3.1984 the Government of India, Ministry of Finance, issued an OM, wherein it was directed that the scales of pay of Draughtsmen Grade-III, II and I in the Departments of Government of India other than CPWD may be revised as per the revised scales in CPWD provided their recruitment qualifications are similar to those prescribed in the case of Draughtsmen in CPWD. The Ministry of Defence did not implement the same and resulted into multifarious litigations. Vide circular dated 15.9.1995, the Ministry of Defence in the matter of revision of pay scale of Draughtsmen on the basis of Award of Board of Arbitration in the case of CPWD, extended the same to all in slight different form i.e. on completion of certain length of service in the respective grades. According to the applicant his placement in higher pay scale is on the basis of Award of Arbitration in the case of CPWD. The same is not a promotion. The Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) vide its OM dated 9.8.1999 issued the ACP scheme for Central Govt. civilian employees, which provided for two financial upgradation in the entire service career of an employee, when no regular promotions during the prescribed period of 12-24 years have been availed by an employee. The applicant submitted that his pay scale was upgraded. However, the respondents vide the impugned order dated 9.5.2003 (Annexure A-1) has cancelled the benefit granted to him under the ACP scheme. The applicant also submitted





that the Tribunal has granted interim relief in other similar case in OA No. 320/2003 - O.P. Sharma and others Vs. Union of India. Hence, this OA is filed.

3. Heard the learned counsel for the parties and perused the records.

4. On perusal of the pleadings and records, we find that the applicant in his OA in para 4.9 has mentioned that the Tribunal has granted interim relief in other case in OA No. 320/2003 - O.P. Sharma and others Vs. Union of India. We further find that in order dated 26.7.2004 passed by this Tribunal in the present OA, the learned counsel for the respondents suggested that another OA No. 320/2003 having same issue be clubbed with the present OA and be heard together. Accordingly, both the OAs were clubbed together and placed for hearing. Similar orders were passed on 2.9.2004 & 7.10.2004. On perusal of records of OA No. 320/03, we find that the Tribunal has already dismissed the OA vide order dated 8.12.2004. As stated by the parties and we also find that <sup>both</sup> the cases are having similar issue and the facts are identical. Hence, the order so passed in OA No. 320/2003 on 8.12.2004, fully covers the present case in all fours. Accordingly, the said order <sup>dated 8.12.2004</sup> passed in the aforesaid OA shall mutatis mutandis applicable to be present case.

5. In view of the aforesaid, the Original Application stands dismissed. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman