

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.337/02

Bilaspur, this the 9th day of Sept., 2004.

C O R A M

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

1. R.K.Soni
S/o Shri P.D.Soni
Chargeman Gr.II (T)
VMM (A) Section, Vehicle Factory
Jabalpur, R/o Qr.No.3337,
Sector II, Vehicle Factory Estate
Jabalpur.

2. A.K.Budhrani
S/o Late Shri Dwarkadas Budhrani
Chargeman Gr.II (T)
T.D.O.Section, Vehicle Factory
Jabalpur, R/o 1502, Wright Town
Jabalpur.

Applicants.

(By advocate Shri M.Sharma)

Versus

1. Union of India through
the Secretary
Ministry of Defence
New Delhi.

2. The Secretary
Ordnance Factory Board
Kolkata.

3. The Sr.General Manager
Vehicle Factory
Jabalpur.

Respondents

(By advocate Shri P.Shankaran)

O R D E R

BY Madan Mohan, Judicial Member

By filing this OA, the applicants are seeking a direction to the respondents to grant pay scale of Rs.550-750 to them since their appointment with all consequential benefits.

2. The brief facts of the case are that the applicant are working as Chargemen Gr.II in the Vehicle Factory, Jabalpur. The third Central Pay Commission had recommended at para 79 on page No.153 of the report that draughtsman who possesses a three years' diploma in Engineering should be provided with an opening to be posted in the scale of Rs.550-750 in the revised terms in the regular engineering line. The applicants



were initially appointed as Draughtsmen on 27.4.81 and 23.10.80 respectively in the pay scale of Rs.330-560 with pre-entry qualification of 3 years Diploma in Mechanical Engineering for the post of Draughtsman. The respondent organisation has not implemented the third Central Pay Commission's recommendations specifically applicable to the Draughtsman with pre-entry qualification, 3 years' diploma in Engineering. The applicants submitted representations dated 30.1.01 and 20.2.01 respectively (Annexure A1) . A proforma was circulated on 16/20-9-74 seeking information from Draughtsmen working in the respondent organisation. At the time of the applicants' appointment in the post of Draughtsmen, they had already completed 3 years Diploma in Mechanical Engineering. Hence the applicants ought to have been granted pay scale of Rs.550-750. But the respondents have ignored their rightful claim. Hence this OA has been filed.

3. Heard the learned counsel for both parties. Learned counsel for the respondents advance a preliminary argument that it is absolutely unbelievable that applicants came to know about the recommendations of 3rd Pay Commission only in January 2001 and February 2001. After implementing the recommendations of 3rd PC, two more pay commissions had been constituted by the Government and its recommendations have been implemented from 1.1.86 and 1.1.96 respectively. All these years the applicants had no grievances about the recommendations alleged to have been made by 3rd PC and all of a sudden they woke up to raise the issue. The claim of the applicants about knowledge of the recommendations of 3rd PC as raised in this para is only with a view to make this OA within limitation, which is not tenable under law.



Even the recommendations of 3rd PC relied by the applicants did not prescribe any scale of pay Rs.550-750 to Draughtsman with three years diploma in Engg. whereas this pay scale was prescribed only to those Draughtsman with Degree in Engineering or equivalent. Therefore there is no substance in the contention of the applicant.

4. Learned counsel for the applicant, in reply to the arguments advanced by the counsel for respondents, argued that this is a continuing cause of action and the applicants are legally entitled to the reliefs claimed on the basis of the recommendations of the third Pay Commission because when they came to know about it in the month of January and February 2001, they immediately made representations on 30.1.01 and 20.2.01 respectively but the respondents did not consider the same.

5. After hearing the learned counsel for both parties and carefully perusing the records, we find that the the applicants' contention that they came to know about the recommendations of the 3rd CPC in January and February 2001 respectively cannot be accepted as thereafter two more Pay Commissions i.e. 4th & 5th Central Pay Commissions came into existence and the applicants were still in government service and it is apparently expected of them to have the knowledge of the 3rd Pay Commission's recommendations, but they kept silent all these years. Therefore, it cannot be said to be a recurring cause of action. Hence the arguments advanced on behalf of the respondents in this regard are perfectly justified and the OA deserves to be dismissed. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman