

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 378 of 2001

Jabalpur, this the 16th day of June, 2004.

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

B.L. Dangi, S/o. Sri R.S. Dangi,
aged about 31 years, Junior Draughtsman
(Civil), Office of Principal Chief Post
Master General, MP Circle, Bhopal. ... Applicant

(By Advocate - Shri S.K. Nagpal)

V e r s u s

1. Union of India, Through : The Secretary, Government of India, Ministry of Communications, Department of Posts, New Delhi.
2. Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi - 110 001.
3. Principal Chief Post Master General, MP Circle, Bhopal-12. ... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

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

"(a) to place the applicant in the scale of Rs. 1200-2040/- w.e.f. 7.12.1990, Rs. 1400-2300/- w.e.f. 7.12.1995 and Rs. 5000-8000/- w.e.f. 1.1.1996 with all consequential benefits,

(b) to refix the pay of the applicant in the above pay scales and pay him the arrears of pay and allowances consequent upon re-fixation of pay within a period of 3 months,

(c) to pay interest @ 18% on the arrears of pay & allowances upto the date of payment."

2. The brief facts of the case are that the applicant was appointed as a Junior Draughtsman with effect from 7.12.1990. He was placed in the pay scale of Rs. 950-1500/-, The applicant has made representation stating that the pay scale of Rs. 950-1500/- in the grade of Junior Draughtsman does

not exist at all and he should be granted the pay scale of Rs. 1200-2040/- which is the scale granted to the post of Junior Draughtsman working in CPWD on the basis of the Award of Board of Arbitration. The respondents vide their letter dated 1st March, 1999 have placed the applicant in the pay scale of Rs. 975-1540/- (Pre-revised) and on completion of 7 years of service i.e. w.e.f. 7.12.1997 they have placed him in the pay scale of Rs. 1200-2040/- (pre-revised). According to the applicant the scale of Rs. 975-1540/- also did not exist for the post of Junior Draughtsman. Aggrieved by this he has filed this Original Application claiming the aforesaid reliefs.

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

4. The learned counsel for the applicant has stated that as per the award of Board of Arbitration given in the case of Draughtsman in CPWD, the Junior Draughtsmans are eligible for grant of pay scale of Rs. 1200-2040/- (pre-revised). As per Annexure A-4, letter dated 13th March, 1984 issued by the Ministry of Finance and Annexure A-5, letter dated 16.9.1985 issued by the DGP&T, New Delhi addressed to all Heads of Postal Circle and others, the pay scale of the Junior Draughtsman has been upgraded from Rs. 260-430/- to Rs. 330-560/- in pursuance to the award of Board of Arbitration given in the case of Draughtsman in CPWD. He has therefore, submitted that as per these letters the applicant is eligible for the pay scale of Rs. 1200-2040/- from the initial date of his appointment i.e. on 7.12.1990.

5. On the other hand the learned counsel for the respondents stated that the applicant has been granted the scale of Rs. 1200-2040/- on completion of 7 years of service on the

basis of Annexure-A-10. Certain conditions were laid down in pursuance to the award of Board of Arbitration given in the case of Draughtsman in CPWD, for grant of pay scale of Rs.1200-2040, and only when an employee possesses those qualifications, he is granted the grade of Rs.330-560. In case the Government employee does not fulfill these conditions, he is granted the pay scale of Rs.260-430/-.

6. We have given very careful consideration to the rival contentions made on behalf of the parties and we find that as per the letter dated 13.3.1984(Annexure-A-4) issued by the Ministry of Finance, and the letter dated 16.9.1985 (Annexure-A-5) issued by the DGP&T, the post and pay scale of Junior Draughtsman has been upgraded from Rs.260-430/- to Rs.330-560/-. The letter dated 16.9.1985 also provides that the conditions for revision of pay scale prescribed for Junior Draughtsman are that all Draughtsmen in the pay scale of Rs.260-430 holding diploma/certificate in Draughtsmanship from a recognised institution of not less than 2 years duration, including practical training for six months will be upgraded to the pay scale of Rs.330-560/-. The letter dated 16.9.1985 further provides that "those who do not fulfil the above mentioned recruitment qualification will, however, continue to be in the pre-revised scale of pay.. The benefit of this revision of pay scales may be given notionally with effect from 13.5.1982 but the actual benefit will be allowed from 1.11.1983".

6.1 The applicant in para 4.2 of the O.A. has specifically averred that he "passed two years Draughtsmanship Certificate from Model Industrial Training Institute, Bhopal and also underwent practical training for two years". The respondents in reply to para 4.2 of the OA have only stated "need no comments". Moreover, the respondents in their reply nowhere specifically stated that the applicant does not possess these qualifications which are required for upgradation of



the scale of Rs.260-430 to Rs.330-560. The respondents in their reply have stated that the applicant has been granted the scale of Rs.330-560, after putting in seven years service, in terms of the letter dated 19.10.1994 (Annexure-A-10(1)). We find that the aforesaid letter dated 19.10.1994 was applicable for those Draughtsmen who do not possess the qualifications as prescribed in the DGP&T's letter dated 16.9.1985. The letter dated 19.10.1994 clearly stipulates that "the Award of Board of Arbitration may be extended to Draughtsmen Grade-I, II & III irrespective of their recruitment qualification".

6.2 Now, the point for consideration is whether the applicant could be upgraded from the pay scale of Rs.260-430 to Rs.330-560 after putting in seven years of service, or he will be entitled for the higher pay scale (pre-revised) of Rs.330-560/ from the date of his initial appointment on 7.12.1990 as Junior Draughtsman.

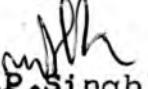
6.3 We find that as regards the requisite qualifications required for grant of the scale of Rs.330-560 (revised applicant as Rs.1200-2040) to the Junior Draughtsman, neither the applicant, nor the respondents have given any evidence in support of their contentions. The applicant has claimed that he possesses "two years Draughtsmanship certificate from Model Industrial Training Institute, Bhopal and also underwent practical training for two years". The respondents have not denied this. Thus, it is presumed that he possesses these qualifications and, therefore, he will be entitled to the scale of Rs.1200-2040 from the date of his initial appointment on 7.12.1990 as Junior Draughtsman, in terms of the DGP&T's letter dated 16.9.1985 (Annexure-A-5) & Ministry of Finance letter dated 13.3.1984 (Annexure-A-4).

7. In the result, for the reasons stated above, this OA is partly allowed. The respondents are directed to verify the facts and if the applicant possesses the

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minimum qualifications prescribed in the letter dated 16.9.1985 (Annexure-A-5), the respondents ~~may~~ ^{shall} consider him for appointment in the upgraded scale of Rs.330-560/- (revised Rs.1200-2040) from the date of his appointment i.e. w.e.f. 7.12.1990, and grant him all consequential benefits. As regards other reliefs, the same are rejected. The applicant will get further promotions and other benefits on the basis of revised pay scale/upgraded pay scale as per the rules and instructions issued by the Government from time to time. No costs.


(Madan Mohan)
Judicial Member

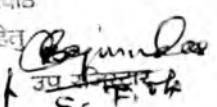

(M.P. Singh)
Vice Chairman

rkv.

पृष्ठांकन सं ओ/न्या..... जबलपुर, दि.....
प्रतिलिपि अब्दो छिरा:-

(1) सचिव, उच्च न्यायालय वार एवं रेग्युलेशन, जबलपुर
(2) आवेदक श्री/थीनानी/कु..... के वार्डसम्बन्धीय काउंसिल
(3) प्रदर्शनी श्री/बीमानी/कु..... के काउंसिल
(4) वारपाल, केशव, जबलपुर न्यायालयी देश
राज्याना एवं आवश्यक कार्यवाही देश

S. M. Mehta
P. Shankar


Rajendra
S. Mehta


S. Mehta
5/7/90