

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO.060/00047/2014

Chandigarh, this the 9th day of February, 2017

...

**CORAM:HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J) &
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

...

1. Balbir Singh son of Shri Gurdial Singh, working as
Draftsman Grade-I.
 2. Sohan Singh son of Shri Mehar Singh, working as
Draftsman Grade-II.
 3. Jasbir Singh son of Shri Bakshish Singh, working as
Draftsman Grade-III (Left the Department).
 4. Pritam Singh son of late Shri Kapoor Singh, Foreman
(Production) (Retired);
 5. Rajesh Kumar Goswami son of Shri Brij Mohan Lal, Jr.
Design Engineer.
- All working in Central Tool Room, A-5, Focal Point,
Ludhiana.

....APPLICANTS

(Argued by: Shri Om Pal Sharma, Advocate)

VERSUS

1. Union of India through The Additional Secretary-cum-
Development Commissioner, Ministry of Industries,
Government of India, Department of Industrial
Development, New Delhi.

(Argued by: None)

2. Central Tool Room, A-5, Focal Point, Ludhiana through its
General Manager

....RESPONDENTS

(Argued by: Ms. Upasana Dhawan, Advocate)

ORDER (Oral)
JUSTICE M.S. SULLAR, MEMBER (J)

The Applicants Balbir Singh son of Shri Gurdial Singh & others, claiming themselves to be Draftsman, have preferred the instant Original Application (OA), challenging the impugned order dated 7th March, 2013, conveyed to them vide Memorandum dated 8th March, 2013 (Annexure A-1), whereby their claim for the grant of equal pay scale, on the Central Government pattern, has been rejected by the Governing Council of Central Tool Room (for brevity "C.T.R" – Respondent No.2).

2. The epitome of the facts and the material, culminating into the commencement, relevant for disposal of the instant OA and emanating from the record, is that the applicants joined Grade-III posts, between the years 1980 to 1994, in C.T.R Focal Point, Ludhiana. Ultimately, they were appointed as Draftsman/Design Assistant.

3. The case set up by the applicants in brief, in so far as relevant is, that they made numerous representations regarding revision of pay scales, at par with the Draftsmen working in the Central Government Offices, followed by legal notice but in vain. It necessitated them to file a Civil Writ Petition No.731 of 2004, which was decided on 26.3.2012 (Annexure A-11) by Hon'ble

High Court. In the wake of an application for recalling / review filed by the respondent department, the order Annexure A-11 was recalled and matter was transferred to this Tribunal. The Transferred Application No. 16-PB-2012 was disposed of vide order dated 11.10.2012 with a direction to the respondent department to place the case of the applicants before the Governing Council of the C.T.R for redressal of their grievance. The Review Application filed by them was dismissed vide orders dated 30th May, 2013 by the Tribunal.

4. As a consequences thereof, the matter of parity of pay scale of the applicants was placed, considered and rejected by the Governing Council of C.T.R vide impugned orders dated 7.3.2013 (Annexure A-1).

5. Aggrieved thereby, the applicants have filed the instant OA, challenging the impugned order, Annexure A-1, and claimed the parity of pay scale, invoking the provisions of Section 19 of the Administrative Tribunals Act, 1985.

6. According to the applicants, their claim for parity was declined by the Governing Council on the ground of change of nomenclature of the post and difference in qualifications for Draftsmen of C.T.R than that of the Draftsmen in Central Government Offices. It was alleged that change of nomenclature has no bearing on their case. As regards difference in qualifications, it was claimed that qualifications for the posts of Draftsmen and Design Assistant are the same and further, the Drawing Staff includes Design Assistant and Tracer etc. Therefore, they are entitled for the same financial benefits. In so

far as factum of two years' diploma is concerned, it was submitted that two years' ITI certificate in Draftsmanship or two years diploma is one and the same thing. The Draftsmen Grade II & Grade III as well as Design Assistant Grade II and III have been placed in the same pay scale and their qualifications are also same. Their claim was stated to have been rejected by means of baseless and illogical stand, by the Governing Council of the respondent no.2. The respondent Department was stated to have implemented the revision of the pay scales to almost all of its employees, except the category of the applicants.

7. Levelling a variety of allegations, and narrating the sequence of events in detail in all, the applicants claimed that the impugned order is arbitrary & illegal and they are entitled to parity of the pay scale at the pattern of pay scales of Central Government Draftsmen. On the strength of the aforesaid grounds, the applicants seek to challenge the impugned order in the manner, indicated hereinabove.

8. Sequel, the respondents have refuted the claim of the applicants and filed a written reply, inter-alia, pleading certain preliminary objections of maintainability of the OA; cause of action and locus standi of the applicants. However, on merits, it was pleaded that the applicants joined C.T.R on different posts, which are inter-changeable depending upon the requirement of the department. The applicants were not appointed on the posts of same nomenclature of the Draftsman. The Department has already revised pay scales as per norms fixed by the Central Government and approved by the Governing

Council of the respondent department. The respondents have tabulated the initial appointments, and pay scales of the applicants in the following manner :-

S. No.	Name of the employee	Appointed as	Date of joining	Pay Scales (Rs.)
1.	Sh. Pritam Singh	Draughts man (Mech)	20.8.1980	425-700 1400-2300
		Foreman Production	25.01.1989 Revised w.e.f. 1.1.96	1640-2900 5500-9000
2.	Sh. R.K. Goswami	Blue Printer	18.6.1983	330-560
		Draughts man	29.8.1984 Revised w.e.f. 1.1.86	380-560 1320-2040
		DAG-I	21.5.1990	1400-2300
		Junior Design Engineer	23.12.1993 revised w.e.f. 1.1.1996	1640-2900 5500-9000
3.	Sh. Balbir Singh	Blue Printer	12.10.1984 Revised w.e.f. 1.1.1986	330-560 1200-2040
		DAG-II	04.10.1989	1320-2040
		DAG-I	30.12.1993 Revised w.e.f. 01.01.1996	1400-2300 1500-7000
4.	Sh. Sohan Singh	DAG - II	02.03.1994 Revised w.e.f. 1.1.96	1320-2040 4000-6000
		Promoted as DAG-I	26.03.2004	4500-7000
5.	Sh. Jasbir Singh	DAG-IIIA	24.05.1994 Revised w.e.f. 01.01.1996	950-1400 3050-4590
		Promoted as DAG-II	24.08.2004 Revised w.e.f. 01.01.2006	4000-6000 Rs.5200-20200 (GP 2400)

9. The case of the respondents further proceeds that the nomenclature of the applicants was not as per the Central Government offices. They joined the respondent department on different posts, after resigning their current position and unconditionally accepted the terms and conditions of offer of appointment, by way of direct recruitment, through open competition. They never objected to the pay scale, designation and nature of work to the new position. All the applicants got

opportunity to grow in the promotional avenue, as per the Rules of 2003 of the concerned department. Applicants Sohan Singh and Jasbir Singh, were promoted to the post of DAG I on 26.3.2004 and DAG-II on 1.1.2006, respectively. Thus, promotional avenues are available to the applicants, at par with other employees of C.T.R.

10. It was reiterated that at the time of appointment of the applicants, the basic required qualification in the respondent department was Matric with ITI and two years experience from a reputed factory along with one year apprenticeship, whereas in the Central Government offices, it was Diploma in Mechanical Engineering followed by one year experience in the drawing section of any Industry or Institute or National Trade Certificate in Draughtsman (Mechanical) followed by two years experience in the drawing section of an Industry or Institute or National Apprenticeship Certificate in Draftsman (Mechanical) followed by one year experience in the drawing section of an Industry or Institute. It was claimed that rules of the Central Government offices depict the requisite qualifications and experience of Central Government employees, at the relevant time of appointment of the applicants, in the respondent department, in Annexure R-5. Since there was inherent difference between the basic qualifications for the post of Draftsman in the respondent C.T.R vis-à-vis Draftsman in the Central Government offices, so the applicants are not at all entitled to the same pay scale. It was averred that this aspect of the matter was considered and the Governing Council has rightly rejected

the claim of the applicants by passing the speaking impugned order, Annexure A-1.

11. The respondent department offered the post of Design Assistant Grade II to applicant no. 3 vide office letter dated 26.7.1989 and not as a Draftsman Grade -III which is the post prescribed for the Central Government Offices. Similarly, he was appointed as Design Assistant grade I in the pay scale of Rs.1400-2300 and not as a Draftsman Grade II / Senior Draftsman as claimed by them. Hence, they cannot be compared with the Draftsmen working in the office of the Central Government.

12. The respondents claimed that the applicants are not entitled to any relief in the relevant behalf. It will not be out of place to mention here that the respondents have stoutly denied all other allegations and the grounds contained in the OA and prayed for its dismissal.

13. Having heard the learned counsel for the parties, having gone through the record with their valuable assistance and after considering the entire matter, we are of the firm view that there is no merit and the instant OA deserves to be dismissed, for the reasons mentioned herein below.

14. Ex-facie the arguments of the learned counsel for the applicants, that the Hon'ble High Court has acknowledged the claim of the applicants of parity of the pay scale vide orders dated 26.3.2012 (Annexure A-11) and since change of the nomenclature of the post or some variation in the educational qualifications for the post of Draftsmen in the respondent C.T.R

and Central Government will not dis-entitle them of the relief, so the impugned order, Annexure A-1 is liable to be set aside and the applicants are entitled to the same pay scale on the pattern of the Draftsmen of the Central Government, are not only devoid of any merit but mis-placed as well for the following reasons.

15. At the first instance, the applicants cannot claim the benefit of the order dated 26.3.2012 (Annexure A-11) of the Hon'ble High Court, which has already been recalled and the case was transferred to this Tribunal. Not only that the Transferred Application No.16-PB-2012 was disposed of on 11.10.2012 by this Tribunal directing the respondent C.T.R to place the matter of the parity of the pay scales of the applicants before the Governing Council. In pursuance thereof, the claim of the applicants for equal pay on Central Government pattern was rejected vide orders dated 7.3.2013 (Annexure A-1).

16. What cannot possibly be disputed here is that the Central Government Recruitment Rules are not at all applicable to the respondent C.T.R. On the contrary, C.T.R (Respondent No.2) is governed by its own Recruitment Rules. As tabulated herein above, the applicants were initially appointed on different posts in different pay scales. C.T.R is an autonomous body under the Ministry of Micro, Small & Medium Enterprises and is governed by its own C.T.R rules.

17. Likewise, office memorandum No. AB-1407/7/2013-Estt (RR) issued on Dated 23.11.2016, circulating Model Recruitment Rules for various categories of posts to concerned Departments for reviewing the existing rules and notifying

revised rules, would not come to the rescue of the applicants because it is not a matter of dispute that the Model Recruitment Rules have not yet been implemented by the concerned department.

18. Be that as it may, the fact remains is that the respondent department is governed by its own C.T.R rules. The designation of the post in Central Government Offices is Draftsman whereas in the C.T.R Ludhiana, the designation of the post is Design Assistant. Not only that, even the educational qualification prescribed for the post of Draftsman Grade I and II in the Government Offices is 3 years Diploma in Civil or Mechanical Engineering, whereas educational qualification prescribed for the post of Design Assistant Grade I and II in C.T.R is ITI certificate. In Central Government two years Diploma certificate in Draftsmanship is essential whereas in C.T.R the educational qualification of the Design Assistant Grade III is ITI certificate.

19. The matter did not rest there. As is evident from the record that in compliance of indicated order of this Tribunal, the Governing Council has duly considered the classification of the nomenclature and different basic educational qualifications in C.T.R Ludhiana and Central Government offices and rightly rejected the claim of the applicants vide impugned order dated 7.3.2013 (Annexure A-1), which in substance, is as under :-

“AND WHEREAS, during the discussion, the Governing Council noted that the Applicants had sought parity in pay scales with the pay scales applicable to Draughtsman in Central Government Offices, on the following grounds :-

(i) Central Tool Room (CTR) is an autonomous body under Ministry of MSME, and should not be treated differently from the Government Organizations.

(ii) CTR have been following Central Government pay scales, and allowances admissible thereon.

(iii) Therefore, Government orders revising the pay scales of Draughtsman in Central Government offices should also be applicable to the Applicants.

AND WHEREAS the Governing Council was apprised that :

(i) The orders issued by Ministry of Finance (Department of Expenditure) regarding revision of pay scales of Government servants, are not applicable automatically to the employees of autonomous bodies.

(ii) Under the existing instructions issued by Ministry of Finance (Department of Expenditure), all proposals relating to emolument structure i.e. adoption of pay-scales, allowances and revision thereof in respect of employees of autonomous bodies under Government of India, need prior approval of Government of India in consultation with Ministry of Finance (Department of Expenditure), and

(iii) Before referring any proposal to Ministry of Finance (Department of Expenditure) for revision in pay scales seeking parity with pay scales in any other Government Departments, it has to be ensured that the designation of post, the nature and quantum of work assigned to the post, and the recruitment qualifications are either the same or identical to the posts in other Govt. Departments.

AND WHEREAS Governing Council of CTR in its meeting held on 11.01.2013 has considered the representation of the Applicants on merit and with reference to the recruitment qualifications of the posts held by Applicants and of the posts of Draughtsman in Central Government Offices, and noted that :-

"(i) The designation of the post in Central Government offices is Draughtsman, whereas in CTR Ludhiana the designation of the post is Design Assistant.

(ii) The Educational Qualification prescribed for Draughtsman (Grade I & II) in Govt. Offices, is 3 year Diploma in Civil or Mechanical Engineering, whereas the Educational Qualification prescribed in Recruitment Rules for Design Assistant (Grade I & II) in CTR is ITI Certificate.

(iii) The Educational Qualification for Draughtsman (Grade III) in Central Government offices is 2 years' Diploma / Certificate in Draughtsman ship. But in CTR, the Educational Qualification for Design Assistant (Grade III) is ITI Certificate".

AND WHEREAS Governing Council noted that the designations, nature of work, and educational qualification of posts held by Applicants in CTR are not similar to the

designations, nature of work and educational qualification of Draughtsman in Central Government offices.

AND WHEREAS the Governing Council of Central Tool Room Ludhiana after considering all aspects of the case came to the conclusion, that there are no sufficient reasons for which the proposal to revise the pay scales of Applicants can be recommended for approval of Ministry of Finance (Department of Expenditure).

NOW THEREFORE, the undersigned (Respondent in CWP No. 731 of 2004), keeping in view the conclusion arrived at by Governing Council in its meeting held on 11.1.2013, hereby declares that in the absence of sufficient justification with regard to similarity in Educational Qualifications, nature of work and Designations, the representation of Applicants regarding revision of their pay scales at par with the pay scales of Draughtsman in Central Government offices, cannot be supported and recommended for Govt.'s approval in consultation with Ministry of Finance (Department of Expenditure) as per existing instructions".

20. Meaning thereby the Governing Council of the respondent C.T.R has considered the matter in the right perspective. The learned counsel for the applicants has miserably failed to point out as to how and in what manner, the impugned order suffers from vice of arbitrariness on the part of the Governing Council. Therefore, it stands proved on record that designation, nature of work and educational qualifications for the post held by the applicants in C.T.R are entirely different than that of the designation, nature of work and educational qualifications of Draftsman in Central Government offices. In that eventuality, indeed the applicants cannot claim the parity in pay scales on the pattern of Central Government employees / Draftsman in the obtaining circumstances of the case.

21. In the light of the aforesaid reasons, we find that there is no merit, and the instant OA deserves to be and is

hereby dismissed, as such. However, the parties are left to bear their own costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Dated: 09.02.2017

HC*