

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
OA. No. 060/00605/2014

Pronounced on: 22.5.2015
 Reserved on: 08.05.2015

CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)
 HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)

1. Vijay Pal son of Sh. Puran Singh, aged about 53 years, resident of House No. 5017-A, Sector 12, PEC Campus, Chandigarh presently working as Black Smith, Chandigarh College of Architecture, Sector 12, Chandigarh.
2. Ravi Kulbhushan son of Late Sh. Garib Dass, aged about 58 years, resident of House No. 5021, Sector 12, PEC Campus, Chandigarh presently working as Model Maker, Chandigarh College of Architecture, Sector 12, Chandigarh.

..... Applicants

Versus

1. Chandigarh Administration through Secretary Technical Education, Union Territory, Chandigarh.
2. Principal, Chandigarh College of Architecture, Sector 12, Chandigarh (UT).

..... Respondents

Present: Sh. S.S. Pathania, counsel for the applicant.

Sh. Rohit Mittal, proxy counsel for Sh. Rakesh Verma, counsel for the respdts.



ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

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- (i) That the posts of Blacksmith and Model Maker may please be declared to have been merged and redesignated as Technician Grade I.
- (ii) That Pay Band of Rs. 10,300-34800 + 3200 as Grade Pay may please be ordered to be given w.e.f. 01.12.2011 and similar pay and allowances as that of the posts of equivalent to Technician Grade I may please be ordered to be given w.e.f. date of appointment.
- (iii) That arrears of pay and allowances so accrued may please be ordered to be paid with interest @ 12% p.a. with monthly rests from the date of accrual till the date of payment."

2. Averment has been made in the OA that the applicant No. 1 was recruited by a laid down process on 23.11.1984 as a Blacksmith and applicant No. 2 was recruited on 29.8.1979 as Model Maker in the respondent No. 2 College in the pay scale of Rs. 400-660 which was then corresponding scale to previous scale of Rs. 120-05-150-06-180-08-220-10-250. The recruitment was done as per the Punjab Engineering College Service (Class III) Recruitment Rules, 1974 (Annexure A-1). The posts of Model Maker and Blacksmith fell under Technicians Category III and were classified as "General Central Service Class III". After the implementation of Third Pay Commission, both the applicants were granted the scale of Rs. 950-1500 w.e.f. 01.01.1986 (Annexure A-2). The scale was further amended to 950-1800 with initial start of Rs. 1000 w.e.f. 01.01.1986 and 1350-30-1560-40-2000-50-2400 w.e.f. 03.11.1989. Copy of the amendment dated 18.02.1998 is enclosed as Annexure A-3. The

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scale was further revised to 1365-45-1500-50-2000-60-2060-70-2410

w.e.f. 01.01.1993 vide order dated 24.12.1992 (Annexure A-4).

3. It is further stated that the employees of Chandigarh Administration are governed by Punjab Civil Services Rules. Copy of the Punjab Government Notification dated 19.05.1998 is enclosed as Annexure A-5. As per this Notification, the pay scales of the Technician Grade II (1365-2410) and Technician Grade I (1410-2480) were merged and redesignated as Technician Grade I and given a common revised pay scale of Rs. 4550-7220 w.e.f. 01.01.1996. The respondent Administration revised the pay scales in pursuance of recommendation of Fifth Punjab Pay Commission vide order dated 11.06.2009 (Annexure A-6). Vide Annexure A-6, the applicants were entitled for grant of scale of Rs. 5910-20200 plus 3000 as Grade Pay but the applicants were granted the scale with Grade Pay of Rs. 1900 only. The scale of Technician Grade I was further revised from 5910-20200 plus 3000 Grade Pay to 10300-34800 plus 3200 Grade Pay vide Notification dated 23.12.2011 (Annexure A-7).

4. It is averred that the posts of the applicants being isolated posts were not having their own scales and different departments within the respondent Administration were giving different scales to the

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(12)

category of the technicians. Applicant submitted a representation dated 03.02.1992 (Annexure A-8) asking for the scale of a Blacksmith working with Chandigarh Transport Undertaking (CTU) of Rs. 1350-2400. Another representation was submitted on 01.06.1993 (Annexure A-9).

Vide another representation dated 15.09.2000 (Annexure A-10), the applicant requested for grant of scale of the corresponding posts in Punjab Engineering College, Chandigarh. Even vide application dated 19.04.2005 (Annexure A-11), the applicant requested to be given the pay scale at par with the similar posts of employees being given by PEC.

Ultimately, the respondents issued order dated 28.11.2013 (Annexure A-17) denying the benefit of higher pay scales to the applicants stating that the Chandigarh Administration is not the competent authority for the grant of higher pay scales to the posts of Carpenter, Model Maker and Blacksmith as these posts do not exist in any of the Architecture Colleges of Punjab. It is claimed in the OA that under the Chandigarh Administration in the PEC University of Technology for the same posts, the pay scales as intimated by letter dated 10.5.2013 (Annexure A-18) are as follows:-

Posts	w.e.f.	Pay Scale
Carpenter, Blacksmith and Model Maker	31.12.1985	400-600

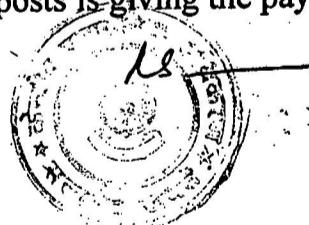
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	01.01.1986	950-1800
	03.11.1989	1350-2400
	01.01.1993	1365-2410
	01.01.1996	4400-7000
	01.01.2006	5910-20200 with GP of 2800 with initial start of Rs. 11,170/-.

Hence this OA.

5. In the grounds for relief, it has been stated as follows:-

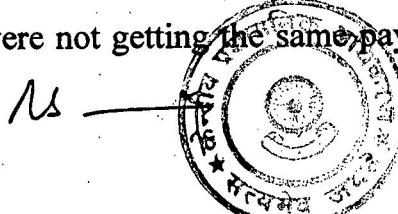
- (i) That applicants were recruited under Punjab Engineering College, service (Class III) Recruitment Rules, 1974 on the pay scale of Rs. 400-600 which was revised to Rs. 950-1800 w.e.f. 01.01.1986, was amended to Rs. 1350-2400 and then further improved to Rs. 1365-2410 plus allowances permissible under Rules from time to time.
- (ii) That as per Annexure A-5, the pay scales of the Technician Grade II (Rs. 1365-2410) and Technician Grade I (Rs. 1410-2480) were merged and redesignated as Technician Grade I and given a common Revised Pay Scale of Rs. 4550-7220 w.e.f. 01.01.1996.
- (iii) That in pursuance of recommendation of Fifth Punjab Pay Commission vide order dated 11.6.2009 (Annexure A-6), the applicants were entitled for grant of scale of Rs. 5910-20200 plus 3000 as Grade Pay.
- (iv) That scale of Technician Grade I was further revised from Rs. 5910-20200 plus 3000 Grade Pay to Rs. 10300-34800 plus 3200 as Grade Pay vide notification dated 23.12.2011 (Annexure A-7).
- (v) That denial of the entitlement of the applicant on flimsy grounds and suggesting that Chandigarh Administration is not the competent authority vide impugned order (Annexure A-17) is patently wrong.
- (vi) That under the same Administration, the PEC University of Technology, Chandigarh for the same posts is giving the pay scales as shown in Annexure A-18.



10.	Carpenter, Electrician, Welder, Blacksmith, Model Maker, Fitter	Rs. 400-660	Rs. 950- 1800	Rs. 950-1800 with an initial start of Rs. 1000 w.e.f. 1 st January, 1986 and Rs. 1350-2400 w.e.f. 3 rd November, 1989.
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Had this revision been allowed, the applicants would have benefitted by the merger of the pay scales of Technician Grade I and Grade II and their pay revised to the scale of Rs. 4550-7220 vide Notification dated 19.5.1998. It is also seen that the applicants have stated that they were recruited as per the Punjab Engineering College Services (Class III) Recruitment Rules, 1974. In PEC, the revision of pay scales of Blacksmith and Model Makers has taken place from time to time as indicated in para 4 of this order. This point has not been rebutted in the written statement. The PEC University of Technology came into being only in 2004, but prior to that, the applicants and the persons manning the equivalent posts in the PEC would have been entitled to the same pay scales.

13. The written statement filed on behalf of the respondents is a sketchy one which does not clarify the matter adequately. Hence, we are of the view that the respondents must re-examine the matter as to why prior to 1.1.2006, the applicants were not getting the same pay scales as



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the persons manning equivalent posts in the PEC. They may also look into the aspect as to why the applicants did not get the benefit of amendment of the pay scales w.e.f. 3.11.1989. The claim of the applicants requires careful examination and we hope and expect that the respondents will examine all aspects of the matter rather than dismissing the claim of the applicants on the specious plea that the Chandigarh Administration is not competent to revise the pay scales of those posts which are not available in the colleges in Punjab. After complete examination of the matter, the respondents are directed to pass a reasoned and speaking order regarding the claim of the applicants, within a period of three months of a certified copy of this order being served upon the respondents.

14. The OA stands disposed of with observations and directions as above. No costs.

(RAJWANT SANDHU)
MEMBER(A)

(DR. BRAHM A.AGRAWAL)
MEMBER(J)

Dated: 22.5.2015
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Certified True Copy/प्रमाणित सत्य प्रतिलिपि
अनुभाग अधिकारी (जज) /Section Officer (Jud.)
Central Administrative Tribunal
चंडीगढ़ द्वारा Chandigarh Bench
चंडीगढ़ / Chandigarh

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