

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA No. 94/2017

Reserved on 05.07.2018  
Pronounced on 17.07.2018

**Hon'ble Mr. S.N.Terdal, Member (J)**

Shri K.C.Rana,  
Retired Director Development,  
(Aged about 81 years)  
S/o Late Shri B.S.Rana,  
R/o D-73, Naraina Vihar,  
New Delhi. ... Applicant

(By Advocate : Mr.S.N.Kaul)

**VERSUS**

Secretary,  
Govt. of India,  
Ministry of Shipping,  
Transport Bhawan, New Delhi. ... Respondent

(By Advocate : Mr. R.K.Sharma)

**ORDER**

Heard Shri S.N. Kaul, counsel for applicant and Shri R.K.Sharma, counsel for respondents, and perused the pleadings and all the documents produced by both the parties.

2. The relevant facts of this case are that the applicant joined the respondent-Ministry as a Special Draftsmen in 1965 and all facts by promotion he became Director (Development) at the time of retirement. His pension was fixed in the pay scale of Rs.12000-16500 (Pre-revised (Pay Band-3 as per 6<sup>th</sup> CPC). The case of the applicant is that according to Recruitment Rules (RRs) for the post of Director (Development), the qualification required for a person to be promoted to the post of Director (Development) is Executive Engineer (Civil) with five years service. As such, the post of Director (Development) should be treated as equivalent to Superintendent Engineer and under Office

Memorandum No.1-11012/3/2010-CRD dated 29.12.2010 of the Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training to the Superintendent Engineer functional grade of Rs.14300-18300 is applicable. As such, he should be directed to be entitled to pension for the pay scale of Rs.14300-18300 (Pre-revised) (Pay Band-4 as per 6<sup>th</sup> CPC). The applicant had filed Original Application No.2812/2016 earlier and this Tribunal on 22.08.2016 allowing the appeal at the admission stage itself directed the respondents to consider the representation of the applicant and passed a speaking and reasoned order. In compliance with the said order, the respondents passed a detailed speaking order. According to the reasoning of the respondents stated in the speaking order, there is another post of Director (Design) in the respondent-organization. As per the RRs, the essential qualification and experience of the feeder cadre is identical, except that in the case of Director (Development), he should also have apart from other a knowledge of "port planning and construction". In the speaking order, the respondents have stated that the said Director (Design) had also filed OA No. 2405/1999 before this Tribunal and while dismissing the said OA vide order dated 08.01.2001, this Tribunal has specifically recorded that the said Director (Design) was not belonging to Group A Engineering Service and that he was holding a General Central Service Group A- Non-Ministerial Post; whereas the post of Superintending Engineer is that of belonging to Engineering Service. The relevant portion of the speaking order dated 02.11.2016 is extracted below:-

"1	xxx	xxx
2	xxx	xxx

3. Be that as it may, it is pertinent to point out here that in another analogous matter, the CAT, New Delhi in OA 2405 of 1999 dated 08.01.2001 (copy enclosed) has categorically held

that Sh. M.K.Agarwal Director (Designs) in the Ministry of Surface Transport does not belong to Group 'A' Engineering Service and that the post has been described in the relevant Recruitment Rules as a General Central Service Group A Non-Ministerial Post. The Tribunal in the absence of materials shown to the court to establish that the post of Director (Designs) is equivalent to that of a SE, held that since the applicant did not belong to the Engineering Services, he could not be placed in the scale of Rs.14300-18300/- as admissible to Superintending Engineer as per the Fifth Central Pay Commission was an extremely high level Expert Body presided over by a Supreme Court Judge, which made its recommendation after exhaustive efforts and in a great detail and that the Hon'ble Supreme Court in a catena of ruling has cautioned Courts/Tribunals in interfering with its recommendations unless there are overwhelming reasons to do so. On this ground, the CAT had denied Shri M.K.Agarwal, Director (Designs) the pay scale of Rs.14300-18300/- and was kept in the pay scale of Rs.12000-16500/-

4. In the present case, the post of Director (Engg.) held by you is similar to that of Director (Design) held by Shri M.K.Agarwal. Neither do you belong to Group A Engineering Service as the post of Director Engineer has been described in the relevant Recruitment Rules as a General Central Service Group A Non-Ministerial Post. No material has been shown to conclude that the post is equivalent to that of Supdt. Engineer either in terms of Recruitment Rules or in terms of nature of duty performed by you while holding the post of Director Engineer. Hence, in this particular case, the judgment passed by the CAT, Calcutta in OA No. 1127/2012 is not as proximately applicable as CAT judgment of Delhi in OA 2405/1999. The CAT judgment of 1127/2012 deals with Engineers of Civil Construction Wing of AIR whose service conditions and nature of duty performed are not similar to that of Director (Designs), Ministry of Surface Transport in juxtaposition to Director (Engg.) of Ministry of Shipping. Instead there is four greater resemblance in the service conditions of Director (Design) and Director (Engineering) of the Ministry of Shipping and Ministry of Surface Transport respectively."

3. The applicant also has not produced any material to show that he is belonging to Engineering Service and in respectful agreement with the reasoning of this Tribunal in the case of **M.K.Agarwal Vs. UOI and Others** (OA No. 2405/1999). The OA is dismissed. No order as to costs.

**( S.N.Terdal)  
Member (J)**

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