

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1767/2003
MA 2156/2004

New Delhi, this the 24th day of August, 2005

Hon'ble Sh. Kuldip Singh, Vice-Chairman (J)
Hon'ble Sh. D.R. Tiwari, Member (A)

1. C.P.W.D. Arch. Asstt. / Asstt. (A.D.) Association
through H.K. Dua, President, C.P.W.D. Arch. Asstt./
Asstt. (A.D.) Assoc.
Room No.408-A, 'A' Wing Nirman Bhawan,
New Delhi - 11
2. Mrs. Gayatri Devi Sharma
W/o Shri B.R. Sharma
212, Lakshmi Bai Nagar, New Delhi - 23.
3. Mrs. Tejinder Sachdeva,
W/o Sh. D.P. Sachdeva
A1/132 Safderjung Enclave,
IInd floor - 110029
4. Mrs. Surinder Kuar Panesar.
W/o Shri Surjit Singh
A-42, Vishnu Garden, New Delhi-110 018.
5. Mrs. Kuldip Dadyalla
W/o Jasbir Singh
EC-271 Maya Enclave
New Delhi - 110 064.
6. Veena Kapoor
D/o Shri J.C. Kapoor
Phase-II, 3/47 New Moti Nagar
New Dehi.
7. Mrs. Sheela Sahijwani
W/o Shri Lachman Sahijwani
D-28 East of Kailash
New Delhi - 110 065.
8. Mrs. Snehlata Bhargava
W/o Shri V.K. Bhargava
A 24 B DDA Flats Munirka New Delhi.
9. Mrs. Poornima Basu
W/o Shri K.K. Basu
37 Shubham, 37 Patpergunj
New Dehli.
10. Mrs. Snehlata Sharma
W/o Shri Ashok Sharma
R/o E-60, Surya Enclave

/u

11. Mrs. Manjit Suri
W/o Late Shri H.S. Suri
II K.97 Lajpat Nagar
New Delhi - 110 024.

....Applicants.

(By Advocate Shri P.P. Khurana with Shri Amit Anand)

Versus

Union of India &
Through

1. The Secretary
Ministry of U.A. & E.
Nirman Bhawan, New Delhi.
2. Director General of Works
Central P.W.D.
Nirman Bhawan.
3. Secretary
Ministry of Finance,
North Block, New Delhi.

....Respondents.

(By Advocate Shri N.S. Mehta with Mrs. Meenu Mainee)

ORDER (ORAL)

By Sh. Kuldip Singh, Vice-Chairman (J):-


Present Sh. P.P. Khurana, Sr. Advocate with Sh. Amit Anand for applicant and Sh. N.S. Mehta with Mrs. Meenu Mainee, counsel for respondents.

2. Applicant no.1 who is C.P.W.D. Arch. Asstt./ Asstt. (A.D.) Association along with other applicants who are affected, filed the present OA as all are aggrieved by the action of the respondents of issuing Office Memorandum dated 30.12.2002 granting pay scale of Rs.6500-10500/- instead of pay scale of Rs.7500-12000/- to the applicants w.e.f. 1.1.1996 as per Annexure A-1.
3. The case of the applicants is that the Technical Officers and their counterparts Arch. Assistants and Asstt. Architects, they all are performing similar duties. But as per the recommendations of the Fifth Central Pay Commission, Assistant Architects have been granted the pay scale of Rs.7500-12000/-. Thus an anomaly in the pay scale has arisen as the applicants have been granted only pay scale of Rs.6500-10500/-. Learned counsel for the

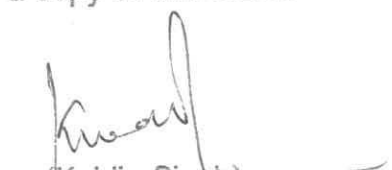
applicant has also submitted that their functions are alike and they are performing similar functions as their counterparts are performing besides that they are supervising some of their functions. Therefore, they should have been placed in the same pay scales as Assistant Architects for which they have made representations also to the department. The Directorate General of Works, Central Public Works Department had referred the matter to the Ministry of Finance recommending that the pay scale of Technical Officers should also be the same as pay scale granted to those Arch. Assistants and Assistant Architects. But the Finance Ministry has turned down the recommendations.

4. There is no denial to the fact that both the posts of Technical Officers and that of Asstt. Architects carried same pay scale till 31st December 1995. Both belong to Group-B Gazetted (non Ministerial) posts. Their duties are also similar but while revising pay scale by Fifth Pay Commission the Technical Officers have been kept at a lower level in the pay scale of Rs.6500-10500/- whereas the Asstt. Architects have been kept in the pay scale of Rs.7500-12000/-. So, apparently on the face of it, it appears that hostile discriminatory treatment has been meted out to them.

5. Thus, keeping in view that since all these officers are performing similar functions, this matter should have been referred to the anomaly committee so that the difference if any can be sorted out because Anomaly Committee would be appropriate authority to examine whether the applicants are entitled to the same pay scale or not? Accordingly the present OA is disposed of with the directions to the respondent no.1 and 2 to refer the matter to respondent no.3 to constitute the anomaly committee. Respondent no.1 and 2 shall refer the matter within a period of three months from the date of receipt of a copy of this order.


(D.R. Tiwari)
Member (A)

/gkk/


(Kuldip Singh)
Vice-Chairman (J)