

**CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH**

OA-3198/2003

8

New Delhi this the 7th day of December, 2004

**Hon'ble Shri Shanker Raju, Member (J)**

**Hon'ble Shri S.K. Malhotra, Member (A)**

Gurdass Singh  
Draughtsman Grade-II  
S/o Shri Jagat Ram,  
R/o 11 C/1 Santgarh,  
Street No.23, M.B.S. Nagar,  
New Delhi-110018.

-Applicant

(By Advocate: Shri V.K. Rao)

**Versus**

1. Union of India  
Through Secretary,  
Ministry of Health & Family Welfare,  
Nirman Bhawan, New Delhi.
2. Secretary  
Department of Expenditure,  
Ministry of Finance,  
North Block, New Delhi.
3. Under Secretary  
Establishment-III,  
Ministry of Health & Family Welfare,  
Nirman Bhawan, New Delhi.

-Respondents

(By Advocate: Shri S.K. Gupta)

ORDER(Oral)

Hon'ble Shri Shanker Raju, Member (J):

After hearing the counsel, we find that the question which arises for our consideration is whether the qualification for the post of Draughtsman is possessed by applicant as recommended by the Vth CPC for grant of pay scale of Rs.5000-8000 to Draughtsman Grade-II? In this view of the matter, this aspect of the matter has not been gone into by the respondents as the Office Memorandum, herein, dated 21.11.2002 is non-speaking.

2. Shri V.K. Rao, learned counsel for applicant drawing our attention to a communication by Ministry of Labour dated 5.6.89

contended that certificate held by applicant has been recognized and equivalent to a certificate of Draughtsmanship (Mechanical). In this view of the matter he has stated that at par with CPWD, applicant possesses the equivalent qualification and is entitled to grant of pay scale of Rs.5000-8000.

3. On the other hand, learned counsel for respondents vehemently opposed the contention and stated that while comparing the Recruitment Rules of CPWD with Ministry of Health & Family Welfare, the only requirement was training from a recognized Institute and as such the revised scale is to be accorded as per Recruitment Rules. As Recruitment Rules do not prescribe diploma or certificate as also three years' experience, applicant is not entitled for the same. He relies on the decisions of Apex Court in **P.V. Hariharan Vs. Union of India** 1997(2) SLR 232 and **Union of India & Ors. v. Pradeep Kumar Dey**, 2000(8) SCC 580 to contend that in the matter of parity of pay scales, this court has no jurisdiction to interfere with the matter. Be that as it may, nothing precludes us from examining the matter from the point of view of violation of Articles 14 & 16 of the Constitution of India. As a model employer, it is expected of the respondents while re-considering the claim of the applicant to deal with the contentions raised. From the perusal of the order passed, it does not transpire that this aspect of the matter whether equivalence of certificate has also gone into or not.

4. In the result, for the foregoing reasons, we partly allow the OA and remand back the matter to the respondents for re-examining the ~~isame~~<sup>isame</sup> in the light of the certificates possessed by the applicant by passing a reasoned and speaking order within a period of four months from the date of receipt of a copy of this order. No costs.

*Omaly*  
(S.K. Malhotra)  
Member (A)

cc.

*S. Raju*  
(Shanker Raju)  
Member (J)