

(2006) 05 DEL CK 0083

In the Delhi High Court

Case No : Writ Petition (C) No's. 13106, 13107 and 13108 of 2005

Union of India (UOI) and Others

APPELLANT

Vs

Mohinder Singh and Others

RESPONDENT

Date of Decision : 18-05-2006

Acts Referred:

Citation : (2008) 1 SLJ 131

Hon'ble Judges : P.K. Bhasin, J;Mukul Mudgal, J

Bench : Division Bench

Advocate : Vinod Kumar, for the Appellant; Sudarshan Rajan, for the Respondent

Final Decision : Dismissed

Judgement

Mukul Mudgal, J.—Rule DB. With the consent of the parties the writ petition is taken up for final hearing.

2. This writ petition challenges the judgment/order dated 11th August, 2004 passed in O.A. No. 350/2004 by the Central Administrative Tribunal (Principal Bench), New Delhi (hereinafter referred to as the "CAT") allowing the O.A. filed by the respondents.

3. The respondents who were blue printer/ferro printers claimed that they were working with Central Electricity Authority (CEA) and that they were entitled to parity with the pay scale available to the tracers in the Central Water Commission, (CWC) w.e.f. 1.1.1986 both of which CWC and CEA were earlier part of Central Water and Power Commission (CWPC) where tracers and ferro printers/blue printers were being treated alike. Their qualifications and pay scales were also identical. Later on CWPC was bifurcated in 1974 bringing into existence the CWC and the CEA.

4. The Tribunal has noticed and in our view rightly that no satisfactory Explanation is forthcoming from the respondents as to why while only the tracers were given the re-designation as Draftsman Grade III and the ferro printers/blue

printers were left out in spite of being similarly situated or at best made eligible to 5% of the post of Draftsman Grade III. The Tribunal has found that both in respect of CEA and the employer of the respondents and CWC, parity was claimed rightly since both were earlier part of the CWPC, the fact which is not in dispute.

5. Mr. Kumar, the learned Counsel for the petitioner/Union of India sought time to take instructions as to from what date were the tracers given the benefit of Draftsman Grade III and informed this Court that the said benefit was given on 22.4.1989. The learned Counsel for the respondents also states that he is also restricting his claim to benefit from 22.4.1989.

6. Since both the ferro printers/blue printers such as the petitioners and the tracers were previously in the CWPC and both categories formed part of the feeder grades for the post of the junior draftsman, then the mere fact that the CWPC is now split into two constituents i.e. CWC where tracers were working and CEA where the blue and ferro printers i.e. the petitioners were working, cannot be a ground to deny parity.

7. Consequently, we see that no ground is made out to interfere with the impugned judgment of the Tribunal which is based on the premise that the applicants are similarly situated as ferro printers/blue printers.

8. In this view of the matter, the writ petition is accordingly dismissed and the respondents in accordance with the judgment of the CAT are held entitled to claim benefits of Draftsman Grade III with effect from 22.4.1989. The writ petition stands disposed of accordingly.