

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Writ Petition No.21201 of 2017  
Date of Decision: September 18, 2017

Balbir Singh & others

...Petitioners

Versus

Union of India & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AJAY KUMAR MITTAL, JUDGE**  
**HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE**

\*\*\*\*

Present: Mr.Om Pal Sharma, Advocate,  
for the petitioner.

\*\*\*\*\*

**AMIT RAWAL, J.**

1. Petitioners having remained unsuccessful before the Central Administrative Tribunal, Chandigarh Bench (for short "CAT") seeking quashing of the order dated 7/8.3.2013 (Annexure A-1), whereby their claim for grant of equal pay on the Central Government pattern, has been rejected, have approached this Court by challenging the order dated 9.2.2017 (Annexure P-1) passed by the CAT.

2. Mr.Om Pal Sharma, learned counsel representing the petitioners submitted that in pursuance to the directions issued by the CAT, the matter was referred to the Department for consideration of the same. Though at earlier point of time, this Court, vide order dated 26.3.2012 (Annexure A-11), allowed Civil Writ Petition No.731 of 2003, but the matter was recalled and ultimately transferred to the CAT. The respondents, on consideration of the matter, have erroneously and perversely rejected the claim by assigning reasons extracted in the impugned order. The reasoning

assigned by the CAT is not sustainable on the following counts:-

- a) The initial appointment of the petitioners was on Grade II and III posts, such as Junior Draftsman/Blue Printer and Design Assistant etc. and the qualification for the post of Draftsman was two years Diploma Certificate in Draftsmanship, whereas in the Central Tool Room (CTR) where the petitioners are working, prescribed qualification was Matric plus ITI certificate;
- b) As regards the qualification and difference in the nomenclature of the post, some of the petitioners were appointed as Draftsmen and one was promoted as Draftsman, which fact was substantiated as per the advertisement dated 20.1.1983 (Annexure A-17);
- c) The Department in the year 1989 unilaterally and without the consent of the petitioners, changed the nomenclature of the post as Design Assistant, therefore, the stand of the respondents- department in rejecting the claim of the petitioners of having dissimilarities with regard to the qualification is wholly misconceived;
- d) The Model Recruitment Rules dated 23.11.2016 are only with regard to reviewing of the pay scale but rest of the things such as qualifications etc. remained the same. In these circumstances, the CAT ought to have taken into consideration the aforementioned fact;
- e) Petitioners No.1 and 4 initially joined as Draftsman and Junior Draftsman and not as Design Assistant. With the change

of designation from Draftsman to Design Assistant, the petitioners cannot be deprived to claim the benefits given to the counterparts working in the Central Government Department. In fact, Drawing Office Staff includes Draftsmen, Design Assistant and Tracer;

f) The petitioners as well as the Draftsmen working in the Central Government Department are discharging the same duties and responsibilities, besides the initial qualification for appointment on Grade II and III posts in CTR as well as in the Central Government Department was also the same, i.e., 2 year diploma in Draftsmanship and the only difference was of having ITI certificate, whereas for appointment in the Central Government it was two years diploma certificate in Draftsmanship;

g) There are two kinds of Draftsmen, i.e., Civil and Mechanical and for doing Draftsmanship, one has to undergo two year course, nomenclature of it may be Diploma, ITI or Trade Certificate, but for all intents and purposes, one has to undergo two year course for getting the certificate in Draftsmanship.

3. By concluding his arguments, the learned counsel for the petitioner urged the Court for setting-aside the impugned order.

4. We have heard the learned counsel for the parties, appraised the paper book and are of the view that the reasoning assigned by the CAT by relying upon the findings rendered in the impugned order does not call for any interference or can be faulted with. In order to bring the case within the

vice of arbitrariness, the petitioners have not been able to establish as to how and in what manner, the nature of work, educational qualification and designation for the post held by the applicants in the CTR were identical to the one in the Central Government. In fact, they were different. For the sake of brevity, the reasoning assigned by the Department reads thus:-

*“(i) The designation of the post in Central Government office is Draughtsman, whereas in CTR Ludhiana the designation of the post is Design Assistant.*

*(ii) The Educational Qualification prescribed for Draughtsman (Grade I & II) in Govt. Offices, is 3 year Diploma in Civil or Mechanical Engineering, whereas the Educational Qualification prescribed in Recruitment Rules for Design Assistant (Grade I & II) in CTR is ITI Certificate.*

*(iii) The Educational Qualification for Draughtsman (Grade III) in Central Government offices is 2 years' Diploma/ Certificate in Draughtsman ship. But in CTR, the Educational Qualification for Design Assistant (Grade III) is ITI Certificate.”*

5. The educational qualification for Draftsman (Grade III) in Central Government Offices was two years' Diploma/Certificate in Draftsmanship, but in the CTR, the educational qualification for Design Assistant (Grade III) is ITI Certificate. The petitioners have never challenged the change of nomenclature from Draftsman to Design Assistant till the filing of the Original Application. Thus, in our view, petitioners are estopped from claiming parity, i.e., grant of equal pay at Central government pattern.

6. The educational qualification prescribed for Draftsman (Grade I & II) in Government offices was 3 years Diploma in Civil or Mechanical Engineering, whereas for Design Assistant (Grade I & II) in CTR is ITI

Certificate. Even no proof of discharging the same duties has been placed on record. In view of such situation, the relief denied to the petitioners for grant of the equal pay on Central Government pattern cannot be said to be erroneous or perverse.

7. For the reasons stated above, the order dated 9.2.2017 (Annexure P-1) is upheld. Resultantly, the writ petition stands dismissed.

**(AJAY KUMAR MITTAL )  
JUDGE**

**( AMIT RAWAL )  
JUDGE**

**September 18, 2017  
ramesh**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable:**

**Yes/No**