

(2012) 03 P&H CK 0152

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 17667 of 1999

Balbir Singh and Others

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision: March 26, 2012

Hon'ble Judges: K. Kannan, J

Bench: Single Bench

Advocate: G.S. Bal, for the Appellant;

Final Decision: Allowed

Judgement

K. Kannan, J.

The petitioners who are working as draftsmen or Senior draftsmen have a grievance that they have not been provided the scales as recommended by the Central Pay Commission and accepted by the Government. The respondent's contention is that the Central Tool Room where the petitioners are working is not a department of the government or State to be governed by the recommendations of the Pay Commission. The counsel for the petitioner points out that respondents themselves have taken a decision to apply the scales to certain categories of persons and the revised scales have been applied through office order dated 19/2212.1997 but the Pay Commission recommendations have been extended only to those classes of persons who were specified in the said order. Since the petitioners do not come within the specified category, it was held that they were not entitled to the scales as provided to Central Government Service on the basis of recommendation of the Pay Commission. Learned counsel for the petitioner points out that the Central Tool Room is a Society established with the Central Government funding and the persons in majority are drawn from the government service. Learned counsel would further contend that as per the minutes of the first meeting of the Standing Committee for the Central Tool Room held on 15.9.1979, it could be seen agenda item No.3 was that the service conditions of officers and staff of CTR Ludhiana and it was decided that they shall be the same as the rules that were applicable for Central Government

Services till such time as the CTR Ludhiana made its own rules and regulations. This resolution was followed up later in the decision taken up by Governing Council and approved at a meeting on 15.10.1979. Counsel for the petitioner would rely on the instructions issued by the office at the Development Commissioner, Government of India, Ministry of Small Scale Industries on 10.10.2008 that the pay rules of employees of autonomous bodies funded or controlled by the Central Government shall adopt the revised pay structure in the Central Government Employees as accepted by the government on the basis of recommendations of the sixth Pay Commission. The directions include certain manner of staggering the payments but according to the learned counsel the said instructions will squarely cover their entitlement for application of Central Government schemes to the employees of the CTR. It is admitted by the learned counsel that the CTR has framed its own rules prescribing the pay scales but the said rules have not extended to the post of draftsmen. The contention therefore is that in so far as the rules do not provide for the category of draftsman, the scales as are applicable to Central Government Employees holding the same post should be applied to them.

2. In the light of the Central Government directions and the Governing Council's decision regarding the applicability of the Central Government Scales and taking note of the fact that there are no rules framed for draftsmen, the petitioners are entitled to the relief as sought for in the writ petition. There shall be a direction to the respondents to grant the scale applicable to the Central Government Service having in the category of Draftsmen from the date of their joining along with the subsequent revisions as made from time to time on the recommendation of the Pay Commission and adopted to the extent that the Central Government has allowed for. The arrears shall be calculated and released to the petitioner within a period of 12 weeks from the date of receipt of copy of the order. The writ petition is allowed.