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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.762/2002
M.A. NO.638/2002

This the 2nd day of December, 2002.

HON^{BLE} SHRI V.K.MAJOTRA, MEMBER (A)

HON^{BLE} SHRI SHANKER RAJU, MEMBER (J)

1. Surender Singh S/O Ram Pal
 2. Smt. Chamali Devi W/O Chirangi
 3. Rakesh Kumar S/O Pyare Lal
 4. Smt. Prem Wati W/O Kehar Singh
 5. Sadhu Ram S/O Mamchand
 6. Smt. Usha Devi W/O Jaswant Singh
 7. Smt. Pushpinder Kaur W/O Kewal Singh
 8. Chhebi Nath Mehto S/O Mishri Shah
 9. Daroga Singh S/O Banarshi Shah
 10. Laxman Singh S/O Bhim Singh
 11. Rajesh Kumar S/O Chanderbhan
 12. Daya Chand S/O Chobe Ram
 13. Ram Bahadur
 14. Manohar Lal S/O Khem Chand
 15. Dhan Singh S/O Dashrath Singh
 16. Brij Lal S/O Tulsi Ram
 17. Maha Singh S/O Rati Ram
 18. Prakash S/O Shri Chand
 19. Suresh Kumar S/O Puran Chand
 20. Kartar Singh S/O Hira Lal
 21. Om Prakash S/O Pratap Singh
 22. B.K.Ghosh S/O D.R.Ghosh
 23. Tulshi Das S/O Prabhati Lal
 24. Jagdish Prasad S/O Garib Lal
 25. Manish Kumar S/O Shyam Lal
 26. Manish Kumar S/O Sunehra Singh
 27. Fageer Singh S/O Khushal Singh
 28. Shankar Lal S/O Lal Singh
 29. Ratan Chand S/O Churu Ram
 30. Hemant Kumar S/O Shyam Lal
 31. Smt. Kamaljeet Kaur W/O Joginder Singh
 32. Smt. Prem Devi W/O Ranjeet
 33. Rajesh S/O Birbal
 34. Ram Kishan S/O Ballu
 35. Sanjay Kumar S/O Chhaju Ram
 36. Vinod Kumar S/O Puran Chand
 37. Charan Singh S/O Laxmi Singh
 38. Paras Ram S/O Jai Lal
 39. Devender Kumar S/O S.P.Nanda
 40. Raghubir Mehto S/O Manger Mehto
 41. Shri Om S/O Sardari Lal
 42. Prabhu Dayal S/O Dinan Ram
 43. Khem Singh S/O Moti Singh
 44. Rakesh S/O Ram Kumar
 45. Brij Lal S/O Gurudin
 46. Prem Das S/O Bhagar Ram
 47. Baljeet Singh S/O Umrao Singh
 48. Keshwar Singh S/O Sahador Singh
 49. Har Singh S/O Laxman Singh
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50. Bhawani Ram S/O Bachhi Ram
51. Ravinder Kumar S/O Sakhi Chand
52. Kishan Singh S/O Padam Singh
53. Madanpal Singh S/O Shiv Karan Singh
54. Yashpal S/O Rampratap
55. Shriniwas S/O Phoolleshwar Mehto
56. Ravi Dutt S/O Manphool Singh
57. Govind Ram S/O Kunda Ram
58. Raju Vaishli S/O J. Vaishli
59. Raj Singh S/O Singhram
60. Bhim Singh Bhandari S/O Mohan Singh Bhandari
61. Mahabir Singh S/O Ram Singh
62. Bakshi Ram
63. Sodagar Singh S/O Bhan Singh
64. Khajan Singh S/O Chandgi Ram
65. Suraj Bhan S/O Gaje Singh
66. Smt. Kanta Devi W/O Ishwar Singh

(All are working as Tent Mender,
Ordnance Depot, Shakurbasti,
New Delhi).

... Applicants

(By Shri B.S. Mainee with Ms. Meen Mainee, Advocates)

-versus-

1. Union of India through
Secretary, Ministry of Defence,
Army headquarters,
New Delhi.
2. Officer Commandant,
Ordnance Depot, Shakurbasti,
New Delhi.

... Respondents

(By Mrs. Promila Safaya, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K. Majotra, Member (A) :

Applicants, 66 in number, are working as tent menders in Ordnance Depot, Shakurbasti, New Delhi under the Ministry of Defence. They claim to be skilled workers and allege that respondents have wrongfully placed them in the pay scale admissible to semi-skilled categories.

2. The learned counsel of applicant stated that whereas applicants as skilled workers were entitled to the scale of Rs.950-1500/3050-4590, they were granted the

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pay scale of Rs.800-1150/2650-4000 only. The learned counsel further stated that other artisans such as pointers, upholsters, packers etc. who are also placed in the semi-skilled grade by the Third Central Pay Commission (CPC) have been granted the scale of skilled category, i.e., Rs.950-1500 by the Fourth CPC ignoring the category of applicants. The learned counsel stated that whereas all other categories of artisans/skilled workers have already been placed in group 'C' scale of Rs.950-1500 upgrading semi-skilled posts to the skilled posts from 1984, categories of tailors and tent menders have been arbitrarily left out. Tailors raised the dispute in OA No.158/1994 before the Guwahati Bench of the Tribunal. Vide order dated 19.10.1995 in that OA, respondents were directed to declare the applicant tailors as skilled workers and to grant them the skilled grade w.e.f. 9.11.1984. Again, some tailors raised the issue in OA No.1453/1998 before the Calcutta Bench of the Tribunal. By order dated 8.3.2000, the Tribunal directed the respondents to consider the tailors as belonging to the skilled category and benefit of the higher scale as given to their counter-parts was directed to be given to them as well. The learned counsel drew our attention to Annexure A-4 which is AHQ Signal dated 31.3.1999 seeking details of job responsibilities of tailors and tent menders. As per Annexure A-5 dated 16.4.1999 respondents recommended merger of the categories of tailors and tent menders stating that their duties were similar in nature and there should be no disparity in their pay scales. Applicants had earlier approached this Tribunal by way of OA No.1445/2001 which was disposed of by order dated

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4.6.2001 with a direction that respondents should consider claims of applicants taking into account the benefits granted to applicants in OA No.158/1994 (Guwahati Bench) and OA No.1326/1999 (Principal Bench). In the event of rejection of applicants' claim for upgradation of their pay scale, respondents were directed to pass detailed speaking order within a period of three months. In pursuance of that, Annexure A-1 dated 20.2.2002, i.e., the impugned order has been passed by respondents.

3. On behalf of respondents, it has been pleaded that the Ministry of Defence had set up an Expert Classification Committee (ECC) in October, 1974 in pursuance of the recommendations of the Third CPC. The ECC adopted points rating method for evaluating various jobs after assigning specific weightage to various factors. The recommendations of the ECC were examined by the Cabinet. The trade of applicants was not upgraded by the ECC or the anomalies committee as they did not fulfil the criteria for upgradation based on the points rating method. Respondents have admitted that judgments in case of tailors were implemented as special cases as the SLP filed by the government in the Supreme Court in cases of tailors was dismissed.

4. Respondents have themselves admitted vide Annexure A-5 dated 16.4.1999 that the duties of tailors and tent menders are similar. They have also recommended that there should be no disparity in their pay scales and as such the grades of tailors and tent menders should be

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merged and formed into one category. Whereas admittedly there is similarity in the nature of duties of tailors and tent menders, and the category of tailors has already been granted the higher scale of Rs.950-1500/3050-4590 in pursuance of the aforestated court judgments, applicants shall also be entitled to similar treatment by respondents. It is now an established law that similarly placed cannot be treated differently and respondents should extend the benefit of judgments of courts and tribunals which have become final to all employees similarly placed and not drive each one of them to seek redressal of their grievances before courts.

5. Having regard to the above discussion, respondents are directed to take steps to declare the tent menders as skilled workers and provide the benefit of the skilled grade of Rs.260-400/950-1500/3050-4590 from 9.11.1984, i.e., the date from which all other semi-skilled categories including tailors have been placed in the skilled grade in terms of government letter dated 15.10.1984 as modified by the Government of India decision contained in letter dated 19.3.1993. We direct respondents to carry out the aforesaid exercise within a period of three months from the date of communication of this order. It is, however, clarified that whereas notional benefits of the higher grades may be granted to these applicants with effect from the dates they became eligible, the actual benefits should be granted from 16.10.2000 when they made representations to respondents.

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6. The OA is allowed in the aforestated terms. No costs.

S. Raju
(Shanker Raju)
Member (J)

V. K. Majotra
(V. K. Majotra)
Member (A)

/as/