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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. Faqeer 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. Raghbir 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 Sahadur Singh
49. Har Singh S/O Laxman Singh

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 Phooleshwar 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. Maine with Ms. Meen Maine, 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



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 aforesated 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 aforeslated terms. No costs.

S. Raju

( Shanker Raju )  
Member (J)

V. K. Majotra

( V. K. Majotra )  
Member (A)

/as/