

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD**

OA/21/555/2016

HYDERABAD, this the 21ST DAY OF JANUARY 2020

Hon'ble Mr. ASHISH KALIA, MEMBER (J)

Hon'ble Mr. B.V. SUDHAKAR, MEMBER (A)

1. N. Srinivasa Rao aged about 53 years
S/o N. Brahmam
T.No. 1290-8 , T & D, DS, HS-Gr-II
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS
2. V. Sivaiah aged about 55 years
S/o V. Manthralu
T.No.577-6, Miller, DS, SK
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS
3. Karanraj, aged about 54 years
S/o Sayabanna
T.No.807-4, Gringer, DS, HS-Gr-I
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS
4. B. Mallesha aged about 53 years
S/o B. Venkataiah
T.No.941-7, Miller, DS, HS-Gr-I
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS
5. K. Nagaraju aged about 50 years
S/o K. Laxmaiah
T.No. 964-3, Fitter, DS, HS-Gr-I
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS
6. Y. Akshaya Kumar aged about 49 years
S/o Y. Gangaiah
T.No.1125-5, Millet, DS, HS-Gr-I
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS



7. Md. Abdulla Faheem aged about 53 years
S/o Md. Ainuddin
T.No.1630-1 , Grinder, SK,
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

8. K. Veerabrahmam aged about 52 years
S/o V. Narasaiah
T.No.800-7,Fitter, DS, HS-Gr-I
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

9. P.D Vijaya Kumar aged about 55 years
S/o P. Swami Das
T.No.1124-8, Machinist DS, HS-Gr-I
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

10. P. Venkaswara Rao aged about 54 years
S/o P. Venkata Ratnam
T.No.801-4, Fitter, DS, HS-Gr-I
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

11. C. Prabhakara Reddy aged about 49 years
S/o C. Narayana Reddy
T.No.1764-3, Fitter, DS, SK
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

12. M. Vijaya Bhaskara Rao aged about 56 years
S/o M. Jayaram Naidu
T.No.1121-8, Fitter, DS, HS-Gr-II
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

13. V. Srinivas aged about 49 years
S/o V. Achi Raju
T.No.1865-2, Miller, DS, SK
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

14. P. Narendra Reddy aged about 48 years
S/o P. Bal Reddy
T.No.1867-5, Miller, DS, SK
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS



15. D. Prasad aged about 50 years
S/o D. Sai Ramulu
T.No.1034-4, Miller, DS, SK
Ordnance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

16. J. Sethu Rama Krishna aged about 50 years
S/o J. Mallikarjuna Rao
T.No.1072-2, Miller, DS, HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

17. D. Srinivasa Rao aged about 48 years
S/o D. Raghavaiah
T.No.1924-6, Mechanist, DS, SK
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

18. B.V.V.S. Prasad aged about 55 years
S/o B. Veeranna
T.No.7881, Fitter, DS, HS-I
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

19. V. Anjaiah aged about 54 years
S/o V. Lingam
T.No.785-1, Turner, DS, HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

20. A. Sadasiva Rao aged about 58 years
S/o A. Narayana Rao
T.No.194-2, Turner, Fdy. HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

21. G.V. Rama Krishna aged about 52 years
S/o G. Surya Rao
T.No.1698-1, BS, Fdy. HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

22. N. Srinivas aged about 48 years
S/o N. Rama Murthy
T.No.1663-4, Molder, Fdy. HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

23. S. Gowtham aged about 50 years
S/o S. Lakshmaiah
T.No.1729-5, Molder , Fdy. HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddumilaram 502 205, Medak District, TS

24. AYagaiah aged about 46 years
S/o A. Durgaiah
T.No.1955-6, Fitter, Fdy. HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddumilaram 502 205, Medak District, TS

25. Y. Yadagiri aged about 50 years
S/o Laxmaiah
T.No.1309-1, Fitter , Fdy. HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddumilaram 502 205, Medak District, TS

26. K. Ram Chander aged about 53 years
S/o K. Rajappa
T.No.1965-7, Moulder , Fdy. HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddumilaram 502 205, Medak District, TS

27. S. Srinivas aged about 49 years
S/o S. Sreeramulu
T.No.1582-4, Moulder , Fdy. HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddumilaram 502 205, Medak District, TS

28. R. Megha Reddy aged about 48 years
S/o R. Kista Reddy
T.No.1580-7, Moulder, Fdy. HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddumilaram 502 205, Medak District, TS

29. K.N. Janarthan Rao aged about 51 years
S/o K.V.S.N. Murthy
T.No.1505-8, Fitter, Fdy. SK
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddumilaram 502 205, Medak District, TS

30. M. Satyanarayana aged about 54 years
S/o M. Satyanarayana
T.No.1844-9, Fitter, Fdy.
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddumilaram 502 205, Medak District, TS



31. M. Madhusudhan Sarma aged about 54 years
S/o M. Kesava Sarma
T.No.1236-2, Miller, FMS
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS

32. T. Bhaskar aged about 56 years
S/o T. Venkata Swamy,
T.No.102-8 , Machinist , FMS, HS-I,
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS

33. I. Shankar Rao aged about 52 years
S/o I. Chandranna
T.No.1305-4 , Millwright, FMS
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS

34. T. Ashok aged about 50 years
S/o T. Chandranaih
T.No.1598-8 , Fitter , FMS, HS-I
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS

35. D. Prabhulu aged about 52 years
S/o D. Bagaiah
T.No. 1994-1, Fitter, FMS
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS

36. S. Surender aged about 52 years
S/o S. Digambar Rao
T.No. 1017-8, SMS, Mishanist,
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS

37. K. Tarakam aged about 51 years
S/o L. Krishna Murthy
T.No.1006-4 , OMHE, VA,
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS

38. K. Ramji aged about 52 years
S/o Narasappa,T.No.1957-9,, Millwright, FMS, HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddu milaram 502 205, Medak District, TS



39. Rafeeq aged about 51 years
S/o Md. Azeemuddin
T.No.744-3 , Fitter, FMS , HS-I
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

40. K. Eswaraiah aged about 52 years
S/o Lingaiah,T.No. 445-3, Fitter, FMS, HS-II
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

41. V. Kumara swamy aged about 42 years
S/o Nancharaiah,T.No. 1954-9, Fitter, FBY
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

42. J. Yegonda Swamy aged about 44 years
S/o J. Ramaiah
T.No.1336-4 , Examiner, QAMI
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

43. Y. Mallikarjun aged about 44 years
S/o Arjun Goud
T.No.1949-5 , Examiner, QAMI
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

44. Syed Sadak aged about 54 years
S/o Sy. Hussain
T.No.1335-7 , Examiner, QAMI
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

45. P. Tulasi aged about 54 years
S/o Pullaiah
T.No.1680-4 , Wielder , H & T
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

46. G. Venkata Rao aged about 50 years
S/o Veeraiah
T.No.1678-5 , Wielder , H & T
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

47. D. Dharma Rao aged about 59 years
S/o M.V. Rao
T.No.1213-6 , QAMI Wielder,
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yedduamilaram 502 205, Medak District, TS

48. M. G. Gopi Krishna aged about 56 years
S/o M. Govinda Swamy
T.No.1334-1, Turner, HTM,
Ordinance Factory Medak, Govt. of India, Ministry of Defence
Yeddu-mailaram 502 205, Medak District, TS

49. M. Chenneshwar aged about 51 years
S/o Veerappa
T.No.796-5, Turner, HTM,
Ordinance Factory Medak,
Yeddu-mailaram 502 205, Medak District, TS

50. K. Shashi Dhara Rao aged about 59 years
S/o K. Sambaiah
T.No. 109-8, Turner, HTM,
Ordinance Factory Medak,
Yeddu-mailaram 502 205, Medak District, TS

51. D. Mahipal Reddy aged about 59 years
S/o Rama Reddy,
T.No. , QAMI, HS-II
Ordinance Factory Medak,
Yeddu-mailaram 502 205, Medak District, TS

APPLICANTS
(By Advocate: Mr. T. Koteswara Rao)

Vs.

- 1) The Union of India, represented by
the Secretary to Govt. of India,
Ministry of Defence,
South Block, New Delhi-110 001.
- 2) The Director General of Ordnance Factories
And Chairman Ordnance Factory Board,
10A, Saheed Khudiram Bose Road, Kolkata 700 001.
- 3) The General Manager,
Ordnance Factory,
Govt. of India, Ministry of Defence,
Yeddu-mailaram, Medak, Telangana - 502205

...Respondents

(By Advocate: Mr. M Venkata Swamy, Addl. CGSC)

ORAL ORDER

PER HON'BLE Mr. **ASHISH KALIA, MEMBER (J)**

This Original Application was filed under section 19 of the Administrative Tribunals Act, 1985 praying for the following relief(s):

“To direct the respondents to extend the benefit of the orders of the Hon'ble CAT (PB) New Delhi in OA 4101 of 2012, the order of Hon'ble CAT Calcutta Bench in OA 172 of 2012 and orders of Hon'ble CAT, Hyderabad in OA 122 of 2015 to the applicants by ignoring the para 2 (1) of the order of the Ministry of Defence, Government of India No. MoD I.D.No. 11(5)/2009-D(Civ-I) dated 1.12.2010 and the order of the Ministry of Defence, Government of India MoD I.D.No. 11(5)/2009-D(Civ-I) dated 20.06.2011 as the applicants in all these OAs, including the present one are homogeneous group placed in similar circumstances.””

2. Brief facts as submitted by the applicants are as under:-

Applicants were initially recruited as semi-skilled workmen and were placed in the skilled grade after completion of two years. Restructuring of Artisan cadre was done with effect from 1.1.1996. Artisan cadre was again restructured with effect from 1.1.2006 vide Ministry of Defence order dated 13.12.2010. Applicants state that placement of skilled from semi skilled was not treated as promotion for the purpose of ACP Scheme/MACP Scheme. They were sanctioned 1st ACP as per the





recommendations of 5th Central Pay Commission by placing them in the Highly Skilled Grade of Rs.4000-6000 from the Skilled grade of Rs.3050-4590 after completion of 12 years of service. Thereafter, MACP Scheme has been introduced with effect from 1.9.2009. As the placement in Highly Skilled Gr.I from Highly Skilled Gr.II was treated as promotion after 1.1.2006 for the purpose of ACP/MACP, workmen after getting 1st ACP from Skilled grade to Highly Skilled Grade in 5th CPC, now placed in PB-1 with Grade Pay of Rs.2400, are getting next MACP after completion of 20 years of service in the same PB-1 with Grade Pay of Rs.2800/-. Aggrieved by the impugned orders of the Ministry of Defence regarding the treatment of placement of workmen from HS Gr.II to HS Gr.I as promotion for the purpose of ACP/MACP, some of the workmen of the 505 Army Base Workshop have filed OA 4191 of 2012 before Principal Bench of Central Administrative Tribunal. The said OA was allowed granting the relief prayed for therein. Applicants seek similar benefit in this OA.

3. We heard learned counsel on both sides.

4. Learned counsel for the applicants has drawn our attention to the judgement of this Tribunal in O.A.No.122 of 2015 dated 18.02.2016 which was allowed granting the relief prayed for by the applicants therein, basing on the judgements

passed by the Principal Bench and Calcutta Bench of this Tribunal in O.A.Nos. 4101 of 2012 and 172 of 2012 respectively. The said order has been challenged before the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in W.P.No.21348 of 2016 and the said Writ Petition has been disposed of with certain observations. In I.A.No.1 of 2017 (Review WPMP NO.29239 of 2017) in W.P.No.21348 of 2016, the said order has been reviewed. The operative paragraph of the order reads as under:



“In that view of the matter, the review petition is allowed and the respondents herein are directed to abide by and implement the order passed by the Tribunal in O.A.No.122 of 2015 forthwith on par with those covered by the order passed by the Allahabad Bench of the Tribunal. Such compliance would however be subject to the result of the challenge laid by the authorities to the orders passed by the Allahabad Bench of the Tribunal, the Principal Bench of the Tribunal at New Delhi and the Calcutta Bench of the Tribunal before the jurisdictional High Courts. No orders as to costs.”

5. In view of the above, the order of this Tribunal in O.A.No.122 of 2015 and other similar cases, has assumed finality and the respondents are directed to implement the same in the case of the applicants herein, within a period of 90 days from the date of receipt of this order.

6. OA is accordingly allowed.
7. There shall be no order as to costs.

(B V SUDHAKAR)
MEMBER (A)

(ASHISH KALIA)
MEMBER (J)

vsn

