

Central Administrative Tribunal^{ds}

Principal Bench

O.A. No. 300 of 2001

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New Delhi, dated this the 16 April, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

1. Shri Anup Kumar Mehra
S/o Shri Ganga Bishan Mehra
Type I, 63, 660, ordanace Factory,
Muradnagar, Ghaziabad U.P.
2. Shri Narender Kumar Sharma,
S/O Shri S.P.Sharma,
Or. No. 52/5, RA Ordanace Factory,
Muradnagar, Ghaziabad U.P.Applicants.
(By Advocate: Shri S.C.Luthra)

Vs.

1. The Union of India,
through the Secretary,
Ministry of Defence,
New Delhi.
2. The Director General of
Ordnance Factories,
Ordnance Factory Board,
Calcutta.
3. The General Manager,
Ordnance Factory,
Muradnagar,
Ghaziabad, U.P.Respondents
(By advocate: Shri V.S.R.Krishna)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 12.9.1999 (Annexure A-1) passed in the background of CAT, PB order dated 30.7.99 in OA 1431/94 filed earlier by them, whereby their representation dated 31.3.94 for grant of the pay scale of Rs.330-480 w.e.f. 16.10.81 has been rejected.

2. A perusal of the Tribunal's order dated 30.7.99 (Annexure A-3) itself show that the Bench had

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raised the point of delay on the part of applicants in pressing their claim even at that stage, and when applicants' counsel had stated that applicants had agitated their grievance only after they came to know of the Tribunal's decision dated 30.7.91 in OA No. 315/87 and respondents' action in implementing the same, the Bench held that the question of limitation had to be viewed independently and could not be related only to the fact that persons similarly situated had approached the Tribunal and got some relief. However, as applicants' counsel submitted that applicants' representation bringing out various contentions we disposed of by respondents, the Bench was of the view that there was no objection to the same and accordingly directed respondents' to dispose of applicants' representation.

3. This has been done respondents vide impugned order dated 19.12.99^{and} cannot be construed as extending the period of limitation in respect of a claim going as far back as 16.10.81. Indeed^a 7 Judge Bench of the Hon'ble Supreme Court in para 16 of statement in L.Chandra Kumar Vs. UOI and Ors. JT 1997(3) SC 589 has held that Tribunal has no jurisdiction to condone delay.

4. That apart, we notice that applicants are basing their claim on the CAT PB's order dated 30.7.91 in OA No.315/87 Shri Devinder Kumar and Anr. Vs. UOI & Ors. A perusal of that order dated

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30.7.91 (Annexure A 3) reveals that respondents had been directed to consider granting the scale of Rs.330-480 to those two applicants because they were Refrigerator Mechanics promoted from the feeder grade of Motor Pump Attendants and while Motor Pump Attendants with demonstrably lower job content had been placed in the scale of Rs.260-400, the Refrigerator Mechanics with a demonstrably higher job content had also been given the same pay scale of Rs.260-400. Furthermore the Bench noticed that Refrigerator Mechanics in the Naval Establishment at Visakhapatnam as well as in Military Farm had been granted the pay scale of Rs.330-400 w.e.f. 16.10.81.

5. Applicants on the other hand, were not Refrigerator Mechanics as on 16.10.81. Applicant No.1 was a Refrigerator Fitter at the relevant time, while Applicant No.2 was a Moulder. Their feeder grades were also different from that of Refrigerator Mechanics. There is no specific averment in the OA that the duties, responsibilities, academic and experience qualifications job content etc. of Refrigerator Fitter/Moulder on the one hand and Refrigerator Mechanics on the other hand are the same, to establish the claim of Equal Pay for Equal Work.

6. In the result, the OA warrants no interference. It is dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

/kd/

S.R. Adige
(S.R. Adige)
Vice Chairman (A)