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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.3398 of 2001

with

Original Application No.3396 of 2001

New Delhi, this the 14th day of January, 2003

**HON'BE MR.V.K. MAJOTRA, MEMBER (A)
HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)**

OA 3398/2001

1. Brij Nath S/o Sh. Hari Lal
2. Om Parkash S/o Shri Ram Swarup
3. Sukh Lal S/o Shri Mool Chand
4. Raj Kumar S/o Shri Mohan Lal
5. Pyare Lal S/o Shri Sohan Lal
6. Shyam Lal S/o Shri Ganeshi Ram
7. Shabir Ali S/o Shri Jadwar Ali
8. Rajender Kumar S/o Shri Bhagwan Dass
9. Mosam Ali S/o Shri Khurshid Ali
10. Khairat Ali S/o Shri Phool Chand
11. Sudha S/o Sh. Fenha Lal
12. Sagam Lal S/o Shri Ram Lal
13. Ganeshi S/o Shri Falki Beta
14. Kishori Lal S/o Shri Faken Lal
15. Ramesh Kumar S/o Shri Bansi Lal
16. Hari Chand
17. Mohan Lal
18. Mohan Lal S/o Shri Matru Lal
19. Amar nath S/o Shri Harnam Dada
20. Fakir Chand S/o Shri Madew Ram ...Applicants

OA 3396/2001

1. Chander Parkash S/o Shri Radhey Shayam
 2. Mahesh Chander S/o Shri Panna Lal
 3. Babu Lal S/o Shri Bholat Ram
 4. Hanuman S/o Shri Heera Lal
 5. Hari Chand S/o Shri Shyam Lal
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6. Sanjay S/o Shri Kanhaya Lal
7. Kajori Mal S/o Shri Kharati Mal
8. Mohan Lal S/o Shri Laxmi Dass

9. Meva Lal S/o Shri Gappa **-APPLICANTS**
(All the above applicants are working as Washerman
(Dhobbies) in the office of respondent No.3)

Versus

OA 3396/2001

1. Union of India through the Secretary,
Ministry of Defence, Government of India, New Delhi.
2. The Chief of the Army Staff,
Army Head Quarters, Sena Bhawan, New Delhi.
3. The Commandant,
Central Ordnance Depot, Ministry of Defence,
Delhi Cantt-10. **-RESPONDENTS**

OA 3398/2001

1. Union of India through the Secretary,
Ministry of Defence, Government of India,
New Delhi.
2. The Chief of the ~~Army~~ ^{Air} Staff,
~~Army~~ ^{Air} Head Quarters, Vayu Bhawan, New Delhi.
3. The Air Officer Commanding,
Air Force Station, Race Course,
New Delhi. **RESPONDENTS**

Shri V. P. Sharma, Counsel for the applicants.

Mrs. P.K. Gupta, Counsel for the respondents.

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

By this common order we will dispose of two OAs as the facts in both the cases are common.

2. In OA 3398/2001 all the applicants are working as Washermen in the office of respondent No.3 and the applicants have a grievance that the Washermen should have been treated as skilled grade and since they are not being treated as skilled grade and have been denied the pay scale of skilled grade of Rs.3050-4590. The applicants have a grievance that as the same benefits have been granted to the Washermen working in the other departments so the same is illegal, arbitrary and unjust.

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3. The applicants in OA 3396/2001 are also working as Washermen and they have also same grievance and the grounds to challenge the impugned order are also the common one.

4. In both the OAs it has been prayed as follows:-

(i) That the Hon'ble Tribunal may graciously be pleased to pass an order dated 19.4.2001, declaring to the effect that the same is illegal and arbitrary.

(ii) That the Hon'ble Tribunal may graciously be pleased to pass an order declaring to the effect that the applicants are entitled for revision of their pay scales (Rs.3050-4900) after treating the trade of the applicants as skilled employees, with all consequential benefits, from the date of their appointment, with arrears of difference of pay.

(iii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to consider the grievances of the applicants at JCM level, or referred the case of the applicants to the Board of Arbitrator to consider the grievance of the applicants, regarding revision of their pay scale of Rs.950-1500/3050-4900.

5. The OAs are being opposed by the respondents. The respondents pleaded that some other applicants had earlier filed an OA before the CAT, New Delhi for



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revision of pay scales in the skilled grade but the Tribunal vide order dated 8.4.2000 had simply directed the respondents to dispose of the representations and the representations have been properly disposed of as the applicants are not the skilled tradesmen.

6. However, when the arguments were opened, the learned counsel for the applicants referred to a judgment of this Tribunal delivered in OA 1973/98 on 23.10.2000 to which one of us (Mr. Kuldip Singh, Member (J)) was also a party. In the said case the Tribunal allowed the OA with a direction to the respondents that the matter in dispute be referred to the Board of Arbitrators by means of an agreement between the applicants association and the respondent-department subject to the condition that the Board of Arbitrators will undertake proper investigation in the matter and re-categories the trades in dispute placing them in an appropriate category within a period of 6 months. The counsel for the applicants also referred to another judgment wherein a similar prayer has been made, which too has been allowed. In view of this situation and particularly the facts pleaded by the applicants in their OAs, we find that the applicants have certain genuine reasons to make out a case for being declared in the category of skilled labourer but since this court cannot undertake that exercise nor can assume jurisdiction to declare them as skilled workers, so it would be proper if this matter is also referred to the Board of Arbitrators in a similar matter. So applying the law as laid down in OA No. 1973/98 both the OAs are allowed with the following directions:-

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(1) The respondents are directed to refer the matter of applicants to the Board of Arbitrators by means of an agreement between the applicants association and the respondent-department subject to the condition that the Board of Arbitrators will undertake investigation into the matter and re-categories the trades in disputes placing them in an appropriate category. A period of six months can be given by the respondents to the Board of Arbitrators to declare their award. No costs.

(KULDIP SINGH)
MEMBER(JUDL)

(V. K. MAJOTRA)
MEMBER (A)

Rakesh

B. K. Juneja
B. K. JUNEJA
Section Officer
Central Administrative Tribunal
Principal Bench, New Delhi