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Central Administrative Tribunal, Principal Bench

Original Application No.785 of 2001

New Delhi, this the 11th day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

Shri Yusuf Ali s/o Shri Abdul Gafar  
aged about 42 years  
r/o 18/2, 'D' Block, Taj Enclave  
Qutab Vihar II  
New Delhi-71  
And working as Tailor in 1, Army HQ  
Signal Regiment,  
New Delhi-10

- Applicant

(By Advocate: Shri S.S. Tiwari)

Versus

1. Union of India through  
Secretary  
Ministry of Defence  
South Block, New Delhi

2. Area Accounts Officer  
Western Command  
T-61, Tigris Road,  
Delhi Cantt.-10

3. Commanding Officer  
1, A.H.Q. Signals Regiment,  
New Delhi-10

- Respondents

(By Advocate: Shri S.K. Gupta)

O R D E R (ORAL)

By Mr. V.K. Majotra, Member (A)

Applicant has been working as a Tailor in the Army Headquarters, Signal Regiment. He had joined as Tailor on 30.4.83. His pay was re-fixed w.e.f. 15.10.84 vide order dated 16.1.98 in the scale of Rs.260-400 from Rs.210-290 (pre-revised) and in the revised scale of Rs.950-1500 w.e.f. 1.1.86 with the basic pay being fixed at Rs.990/- and the date of increment being 1st of October every year. The related order dated 16.1.98 is annexed as Annexure 'B'. It is alleged that although the applicant received the revised pay-scale from March, 1998 onwards till April, 1998, suddenly his pay was revised to the earlier

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initial scale of Rs.210-290 from Rs.260-400 (pre-revised) wherein now the basic has been fixed at Rs.3235/- in the scale of Rs.2650-4000. Earlier on, his basic pay was fixed at Rs.3875/- as <sup>per order dt. 16.1.98</sup> 16.1.98 which was reduced without a show-cause notice. Later on, a show-cause notice was given to the applicant as per directions of the Tribunal. The applicant had requested for arrears of pay consequent upon the pay revision w.e.f. 15.10.84 by representation of the association dated 5.6.98, which remained unresponded. The applicant has contended that similarly situated persons have been accorded superior pay scale on the basis of judgements of the Tribunal in various OAs. He had requested the respondents to extend him the benefits of judgements rendered in such cases but to no avail. On the basis of the principles of equal pay for equal work, he has sought quashing and setting aside the impugned order dated 14.11.2000 whereby his pay was reduced and sought direction to the respondents to refix his pay in the revised scale of Rs.3050-4590 with consequential benefits.

2. The respondents in their reply have admitted that the applicant was appointed w.e.f. 30.10.84 in the scale of Rs.210-290. His pay was refixed in the revised pay scale of Rs.950-1500 on the basis of 4th Pay Commission recommendations at Rs.990/- with the next date of increment being 1st of October. According to the respondents, the pay structure of the cadre of Tailor was — examined afresh by the Army Headquarters and vide letter dated 28.4.98, it was stated that Tailor in A.G. Branch cannot be given skilled grade as per the recommendations of Expert

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Clarification Committee (in short 'ECC') and orders having been issued in pursuance of the Anomaly Committee Report. Thus the pay of the applicant was reduced to the scale of Rs.210-290 w.e.f. 15.10.84 and the basic pay was fixed in the revised pay scale of Rs.2650-4000 w.e.f. 1.1.96 as per the recommendations of 5th Pay Commission. Applicant's pay was fixed at Rs.3250 (Rs.3232/-) on the basis of a show cause notice served on him on 12.10.2000 in terms of Govt. of India decision contained in letter dated 25.9.98.

3. We have heard the learned counsel of both sides and considered the material on record.

4. The learned counsel of the applicant referred to the following judgements and sought that the applicant should be granted the same benefits as applicants in those judgements:

- "(i) Order dated 6.9.2000 in OA-1326/99 passed by the Principal Bench, New Delhi in the matter of Satbir Singh & ors. vs. Union of India and anr.;
- (ii) Order dated 19.10.95 in OA-158/94 passed by the Guwahati Bench of the Tribunal in the case of Nripendra Mohan Paul & ors. vs. Union of India & ors.; and
- (iii) Order dated 5.3.99 in OA-1321/CH/97 passed by the Chandigarh Bench of the Tribunal in the case of Ranjit Singh vs. Union of India & ors."

It may be mentioned that SLP No.13856/96 filed against the aforesaid decision of Guwahati Bench was dismissed by the Hon'ble Supreme Court by an order dated 11.7.96.

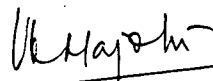


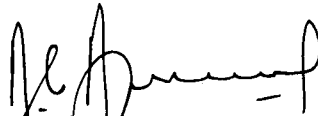
5. Applicants in all the OAs mentioned above, were also Tailors in the scale of Rs.210-290 which was meant for semi-skilled categories and had demanded fixation of their pay in the pay-scales meant for skilled category i.e. the scale of Rs.260-400 as revised to Rs.950-1500 w.e.f. 1.1.86. The applicant in the present case, though had been accorded the pay scale of Rs.260-400, his pay has been down-scaled.

6. The learned counsel of the respondents stated that the down-scaling of the pay scale of the applicant as a semi-skilled Tailor in A.G. Branch has been in accordance with the recommendations of the ECC and in pursuance of the Anomaly Committee Report.

7. Respondents have not been able to produce the recommendations of the ECC and the Anomaly Committee. We have also not been shown any material to distinguish between the functions and duties of Tailors in A.G. Branch and those who are stated to be of skilled category. In this view of the matter, we have to find that the duties of the applicant as a Tailor are the same as the Tailors categorised as skilled grades. The ratio of the cases cited above, particularly the matter of Ranjit Singh (supra) is squarely applicable to the facts and circumstances of the present case. The applicant is similarly situated as the applicants in that OA and the Government being the model employer, is expected to extend the benefits of that judgement to the applicant as well.

8. Having regard to reasons recorded and discussion made above, impugned order dated 14.11.2000 at Annexure 'A' is quashed and set aside restoring order dated 16.1.98 <sup>(Annexure-B) h</sup> with consequential benefits. The OA is allowed in the above terms. No order as to costs.

  
( V.K. Majotra ) 11.9.2001  
Member (A)

  
( Ashok Agarwal )  
Chairman

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