

(15)

Central Administrative Tribunal  
Principal Bench

O.A.No.391/95  
with  
O.A.No.592/95  
O.A.No.1195/95

Hon'ble Shri Justice K.M.Agarwal, Chairman  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 4<sup>th</sup> day of October, 1999

O.A.No.391/95:

Davinder Singh  
s/o Sh. Harnam Singh  
Mech/Refrg., AGE B/R (P) Office  
Muradnagar and  
r/o Murad Nagar Distt. Ghaziabad. .. Applicant

(By Shri V.P.Sharma, Advocate)

Vs.

1. Union of India through  
The Secretary  
Ministry of Defence  
Govt. of India  
Sena Bhawan, New Delhi.
2. The Chief Engineer  
Bareilly Zone  
Sarvatra Bhawan  
Station Road  
Bareilly (UP).
3. The Garrison Engineer (South)  
M.E.S. Meerut (UP).
4. The Asstt. Garrison Engineer B/R(P)  
M.E.S.Muradnagar  
Distt. Ghaziabad (UP). ... Respondents

(By Shri A.K.Bhardwaj, proxy of Shri V.S.R.Krishna,  
Advocate)

O.A.No.592/95:

1. Azad Kumar  
s/o Shri Ami Chand  
Sl. No.2046/T. No.899/Tool Room  
Tool Maker HS-II  
Ordnance Factory  
Muradnagar  
Distt. Ghaziabad.
2. Jeet Singh  
s/o Shri Maharaj Singh  
Sl. No.2063/T. No.918/Tool Room  
Tool Maker HS-II  
Ordnance Factory Muradnagar  
Distt. Ghaziabad.
3. Phool Kumar  
s/o Shri Kawal Singh  
Sl. No.2053/T.No.906/Tool Room

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Tool Maker SK  
Ordnance Factory Muradnagar  
Distt. Ghaziabad.

Applicants

(By Shri V.P.Sharma, Advocate)

Vs.

1. Union of India through  
The Secretary  
Ministry of Defence  
Govt. of India  
Sena Bhawan, New Delhi.
2. The Director General  
Ordnance Factory Board  
10-A Auckland Road Calcutta.
3. The General Manager  
Ordnance Factory Muradnagar  
Distt. Ghaziabad (UP).

... Respondents

(By Shri A.K.Bhardwaj, proxy of Shri V.S.R.Krishna,  
Advocate)

O.A.No.1195/95:

1. RAS Tyagi s/o Sh. Banrashi Das Tyagi
2. Ram Bachan s/o Late Sita Ram
3. Radhey Govind Gupta s/o late Kishan Lal
4. Ramzan Ahmad s/o Shri Habibulla
5. Abhey Singh s/o late Kabul Singh
6. Birbal s/o Sh. Tula Ram
7. Hashmat Rai s/o late Barkat Ram
8. Hukam Singh s/o late Umrac Singh
9. Major Singh s/o Sh. K.S.Sumra
10. Mam Chand s/o late Mukhram Singh
11. Ombir Singh s/o late Duli Ram
12. Surinder Kumar Jain s/o Late Jyoti Prasad Jain
13. Sukhbir Singh Rathi s/o Sh. Daulat Ram
14. Satpal s/o late Balmukand
15. Surender Nath Sharma s/o late Trilok Nath Sharma
16. Tulsi Das Jaggia s/o Sh. Loku Ram Jaggia
17. Trilochan Singh s/o Late Pritam Singh
18. Yad Ram s/o Sh. Mula
19. Bhishan Kumar s/o Sh. Som Nath
20. Komal Singh s/o Sh. Baljit Singh

(All are working in Ordnance Factory  
Muradabadnagar & r/o O.T.Estate Muradnagar Distt.  
Ghaziabad, UP.) ... Applicants

(By Shri V.P.Sharma, Advocate)

vs.

1. Union of India through  
The Secretary  
Ministry of Defence  
Govt. of India  
Sena Bhawan, New Delhi.
2. The Director General  
Ordnance Factory Board  
10-A Auckland Road Calcutta.
3. The General Manager  
Ordnance Factory Muradnagar  
Distt. Ghaziabad (UP). ... Respondents

(By Shri A.K.Bhardwaj, proxy of Shri V.S.R.Krishna,  
Advocate)

O R D E R

Hon'ble Shri R.K.Ahooja, Member(A)

All these three OAs raise similar claims on  
similar facts and are being disposed of by this common  
order.

2. The applicants were appointed as Refrigerator  
Mechanics in the pay scale of Rs.110-155 which came to  
be revised to Rs.260-400 w.e.f. 16.10.1981. However  
on the recommendation of the 3rd Pay Commission, the  
Government had constituted an Expert Classification  
Committee (for short ECC) for classification of  
Industrial employees under the Ministry of Defence and  
putting them in appropriate pay scales. After the ECC  
had undertaken a scientific evaluation of the job  
contents of Motor Pump Attendants (MPAs) and  
Refrigerator Mechanics (RMs) it put both of them in  
the pay scale of Rs.260-400. Aggrieved by this, one  
of the Refrigerator Mechanics filed OA No.315/87 which  
was decided on 30.7.1991. Noting that as per the job

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evaluation done by ECC the point range for MPAs was in the range of Rs.206-240 while the point range of RMs was Rs.260-290 and in that MPAs were feeder posts for RMs, the Tribunal allowed the higher pay scale of Rs.330-480 to the applicants in that OA. Seeking benefit of that order the applicants herein also filed representations to upgrade their pay scales from Rs.260-400 to Rs.330-480 (revised pay scale Rs.1200-1800 w.e.f. 1.1.1986). By the impugned order, Annexure-A2 dated 9.12.1994 the representations of the applicants were rejected on the ground that the order of the Tribunal was applicable only to the applicants who sought the relief and thus its ratio could not be extended to the applicants herein. The applicants submit that the Tribunal has held in the case of Ordnance Clothing Factory Workers Union Vs. Secretary, Ministry of Defence & Others, ATR 1990(1) CAT 22, and Shri A.K.Khanna & Others Vs. Union of India & Others, ATR 1988(2) CAT 518, that when a decision is given in favour of some of the applicants the same benefit should also be given to the similarly placed employees as the applicants in that case even if they did not approach the Court. Therefore the applicants claim that the benefit of the decision in OA No.315/87 should also be extended to them.

3. We have heard the counsel. In the normal course, as rightly pointed by the applicants, when a decision is given by the Tribunal or a Court in favour of some of the employees all those who are placed in the same circumstances are also to be given the same benefit without being obliged to approach the Court for redressal of their grievance. However, a perusal

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of the Tribunal's order in OA 315/87 shows that the applicants herein who were directly appointed as Refrigeration Mechanics were not in a similar situation as applicant in OA No.315/87. In that case the applicant was initially recruited as a Pump Attendant in the pay scale of Rs.210-400 revised to Rs.260-400 from 16.10.1981 and thereafter was promoted as Refrigeration Mechanic, from February, 1986. However he did not get any financial benefit despite his promotion as the pay scale of Motor Pump Attendants and Refrigeration Mechanic had come to be fixed as Rs.260-400 w.e.f. 16.10.1981. Noting the point the Expert Committee had evaluated the job content of MPAs and RMs and keeping in view the fact that MPAs were feeder posts for RMs, the Tribunal directed that the case of the applicant should be considered by the respondents for revision of pay scale and the payment of arrears as due.

4. We also note from the reply of the respondents in the present OA that three different grades were given to Refrigeration Mechanics, namely, Rs.260-400; Rs.330-480; and Rs.360-580. Thus the applicant in OA No.315/87 came to be fixed in the pay scale of Rs.330-480. The case of the applicants before us is different as they were directly recruited as Refrigeration Mechanics. They can <sup>in</sup> due course of time rise to the pay scale of Rs.330-480 and 360-580. The mere fact that the applicant in OA No.315/87 was fixed in the pay scale of Rs.330-480 does not provide a precedent for them as before promotion the former was already in the pay scale of Rs.260-400 and thus for him it was a case of fixation in the proper grade out

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of one of the three grades and not one of elevating the existing pay scales. Seen thus the case of the applicants before us and the applicant in OA No.315/87 are quite different. Therefore the ratio of Tribunal's decision in OA No.315/87 would not apply to the applicants before us.

O.A.No.592/95:

5. The applicants herein are Tool Makers serving in the Ordnance Factory, Muradnagar. They submit that their pay scales were earlier the same as Fitter (Tool Maker) in Ordnance Factory Organisation in terms of the recommendations of the Second Central Pay Commission. With effect from 16.10.1981, the pay scales of Tool Maker were fixed at Rs.260-480 for Group 'B' and in the pay scale of Rs.330-480 for Group 'A'. However the pay scales of Fitters (Tool & Gauge) Gr. 'A' were revised from Rs.320-400 to Rs.380-560 and that of Fitter Gr. 'B' from Rs.260-350 to Rs.330-480. The applicants therefore claim that the pay scale of Tool Maker Gr. 'B' should also be made Rs.330-480. Reliance is placed by the applicants on the Judgment of the Calcutta Bench of this Tribunal in OA No.505/91.

6. We find that no interference is called for by the Tribunal in this case. The pay scales of the applicants have been fixed on the recommendations of the ECC. The Tribunal cannot substitute his judgment in place of that of an expert body on the mere fact that at one stage the pay scales of Tool Maker and Fitter were the same. That not mean that the same

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relativity has to be maintained at all times. In so far as the ratio of the said OA No.505/91 is concerned, a perusal of the same shows that it related to the date from which the revised pay scales would be applicable. The applicants cannot justify their case on the basis of an observation of the Tribunal taken out of context when the same is not relative either to the relief sought for or the final order of the Tribunal.

7. The OA is accordingly dismissed.

O.A.No.1195/95:

8. The applicants are working as Turners in the Ordnance Factory, Muradnagar and claim a pay scale of Rs.330-480. Here also the claim is based on the higher scale of Rs.330-480 granted to the trade of Grinders. The applicants submit that their job as Turner requires <sup>more</sup> ~~the~~ skill, ~~more~~ effort and responsibility, than Grinders, which was the criteria adopted by the ECC for comparative evaluation of various jobs. According to them, the nature of duties and responsibilities of the Turners trade have also been evaluated by the Goa Committee. They also rely on the observations made by the Tribunal in OA No.505/91 decided by the Calcutta Bench in which the Tribunal observed that trades in the skilled category cannot be treated differently in the matter of pay scales.

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9. As already noted in the case of Azad Kumar & Others, OA No.592/95, the Tribunal would not like to interfere with pay scales recommended by an Expert Body like the ECC. It is outside the competence and purview of the Tribunal to evaluate and compare the Turners and Grinders in respect of their duties and responsibilities. In so far as the observation of the Calcutta Bench of this Tribunal in OA No.505/91 are concerned, ~~these~~ cannot form the basis ~~order~~ of the directions sought for by the applicant, since these observations do not relate to the final order and directions of the Tribunal in the said OA.

10. The OA is accordingly dismissed. No costs.

(K.M.AGARWAL)  
CHAIRMAN

(R.K.AHOJJA)  
MEMBER(A)

/RAO/

P. ITAM SETHI  
Central  
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