

Central Administrative Tribunal, Principal Bench

Original Applications Nos. 1511 & 1512 of 1996

New Delhi, this the 1st day of February, 2000

Hon'ble Mr.Justice Ashok Agarwal Chairman
Hon'ble Mr.R.K.Ahooja, Member (Admnv)

(1) O.A.No.1511 of 1996

Smt. Prem Wati widow of late Sh.Sita Ram
R/o Qr. No.4/R/87, Ordnance Factory
Estate,Muradnagar,Distt- Ghaziabad (UP) - Applicant
(By Advocate Shri Yogesh Sharma)

Versus

1. Union of India through the Secretary, Ministry of Defence, Govt. of India, Sena Bhavan, 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 Advocate Shri V.S.R.Krishna)

(2) O.A.No.1512 of 1996

1. Abdul Hamid, T.A. No.4764/866/L.S.F.
2. Ram Chand, T.A.No.1786/1992/HGS,
3. Shiv Ram, T.No. 1811/2128/SMS,

All are working in Ordnance Factory, Muradnagar, Distt. Ghaziabad (UP) and R/o Ordnance Factory Estates, Muradnagar, Distt. Ghaziabad (UP) -Applicants
(By Advocate Shri Yogesh Sharma)

Versus

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(By Advocate Shri V.S.R.Krishna)

Common Order (Oral)

By R.K.Ahooja, Member(Admnv) ~

As the facts and issue involved in both the cases are common, these are being disposed of by this common order.

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OA 1511/1996 :-

2. In OA 1511/96 the husband of the applicant late Shri Sita Ram was appointed as a Tailor 'C' on 11.5.1963 at Ordnance Clothing Factory, Shahjanahpur, in the pay scale of Rs.75-95. During 1967 because of the reduction of work load in Ordnance Clothing Factory, Shahjanahpur, late Shri Sita Ram was declared surplus and retrenched. After obtaining his willingness he was offered the post of Labourer 'B' in the pay scale of Rs.70-85 and transferred to Gun & Shell Factory Cossipore with effect from 9.1.1967. After training he was posted as Machinist 'C' and transferred to Ordnance Factory, Muradnagar.

3. Some of the Tailors similarly situated as late Sita Ram filed a case in the Labour Court, New Delhi under Section 33-C of the Industrial Disputes Act which was rejected by the Labour Court vide its order dated 11.7.1989. Thereafter some individuals filed a case before the Principal Bench of this Tribunal. However, the same was also dismissed. The Supreme Court, on an SLP being filed, by its order dated 23.9.1991 set aside the order of the Tribunal and ordered that the applicants therein were to be treated as a quasi permanent in the erstwhile post of Tailor 'C' and were entitled to protection of their pay. They were also allowed difference of arrears in salary from 1.11.1967.

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4. The said Sita Ram, however, died in harness on 21.10.1994. Thereafter the present OA 1511/96 was filed by his widow claiming the same relief as was allowed to similarly situated persons by the Supreme Court in CA No.3728 of 1991 decided on 26.4.1993.

5. The respondents have taken a preliminary objection in regard to jurisdiction and limitation. They also state that the husband of the applicant was not entitled for the benefits of the orders of the Supreme Court as he was not a party to the aforementioned Civil Appeal.

6. We have heard the counsel. The OA was admitted after a PT was allowed and after accepting jurisdiction. There is also no dispute that the ratio of the Supreme Court order in CA 3728/91 is applicable in the case of late Shri Sita Ram also. The Supreme Court has also held in the case of Girdhari Lal Vs. Union of India and others, SLP (C) No.14005 of 1992 decided on 3.1.1996 that Government should treat all similarly situated persons alike and should not drive them to litigation, in the course of which the Union of India itself is required to spend considerable public money. In the present case, the applicant is claiming the benefit of the decision of the Apex Court. Since his case falls within the ratio of the order of the Supreme Court in our view he is entitled to the same benefit.

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7. Accordingly the OA is allowed. The respondents are directed to compute the pay of late Shri Sita Ram on the basis that he was a quasi permanent in the post of Tailor 'C' and was, therefore, entitled to the protection of his pay when appointed as Labourer 'B'. The difference of pay etc. will be paid to the applicant within a period of four months from the date of receipt of a copy of this order.

OA 1512/1996

8. In OA 1512/96 the applicants S/Shri Abdul Hamid, Ram Chandra and Shiv Ram were appointed as Tailor 'C' during 1962/63 at Ordnance Clothing Factory, Shahjanahpur, in the pay scale of Rs.85-110. During 1967 because of the reduction of work load in Ordnance Clothing Factory, Shahjanahpur, they were declared surplus and retrenched. After obtaining the willingness S/Shri Ram Chandra and Siv Ram were offered the posts of Labourer 'B' in the pay scale of Rs.70-85 and transferred to Gun & Shell Factory Cossipore in January 1967. After training they were posted as Machinist 'C' and transferred to Ordnance Factory, Muradnagar during 1968. Shri Abdul Hamid after reversion was similarly transferred to Ordnance Factory Muradnagar on 11.1.1967 as Labourer 'B' in the pay scale of Rs.70-85.

9. The case of the applicants in OA 1512/96 is similar to that of late Shri Sita Ram husband of the applicant in OA 1511/96. For the reasons given in the aforesaid OA the OA 1512/96 is also allowed. The respondents are directed to compute the pay of

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applicants on the basis that they were quasi permanent in the post of Tailor 'C' and were, therefore, entitled to the protection of their pay when appointed as Labourer 'B'. The difference of pay etc. will be paid to the applicants within a period of four months from the date of receipt of a copy of this order.

(Ashok Agarwal)
Chairman

(R.K. Anooja)
Member (Admnv)

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Attested
Agarwal
CO-CT