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CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

O.A. No. 1390 of 1997

New Delhi, dated the 6th June, 1997

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN  
HON'BLE MR. S.R. ADIGE, MEMBER (A)

1. Opto Electronics Factory  
Karamchari Union & Members  
Raipur, Dehradun  
Affiliated with Intak Union,  
and I.N.D.W.F.,  
Chelmsford Road  
through Shri Nagesh Kukreti,  
the Organising Secretary of the  
Union.
2. Shri H.M. Bhatt,  
S/o Shri G.R. Bhatt,  
Affected Employee through  
Applicant No.1 ... APPLICANTS

By Advocate: Shri G.S. Beqrar

VERSUS

1. Union of India through  
the Secretary,  
Ministry of Defence,  
Defence Production,  
Civil Side,  
Govt. of India,  
New Delhi.
2. The Chairman,  
D.G.C.F.,  
Ordnance Factory,  
10-A, Auckland Road,  
Calcutta.
3. The General Manager,  
Opto Electronic Factory,  
Raipur,  
Dehradu, U.P.
4. Ministry of Labour  
through Secretary,  
Shram Shakti Bhawan,  
New Delhi. ... RESPONDENTS

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Applicants impugn respondents order dated 8.10.96 rejecting their representation dated 31.7.96 for recategorisation as skilled workmen and for extension of the pay scale of Rs.950-1500 to themselves.

2. They had earlier filed O.A. No. 1227/95 with the same prayer which was disposed of by order dated 7.3.96 with a direction to them to make a representation to respondents within 15 days on receipt of which respondents were called upon to dispose of the same by a speaking order within four months of its receipt. Pursuant to that order, applicants made a representation, which was rejected by impugned order, against which the present O.A. has been filed.

3. We have heard applicants' counsel Shri Beqrar who has emphasised that as applicants are ITI passed, with certificates from NCTVT they are entitled to be recategorised as skilled workmen and placed in the scale of Rs950-1500.

4. We note that the same ground urged before us were also taken by applicants in their representation which has been discussed in detail in the impugned order. That order is a speaking one which has pointed out that categorisation into semi-skilled, skilled, etc. and extension of particular pay scale is based upon the recommendation of Expert Classification Committee based upon detailed job evaluation by point score method, which was further subjected to revision based on the 4th Pay Commission's recommendations. Other cogent reasons have also been given why it is not possible to accept applicants' prayer.

5. No materials have been shown to us to cast doubts on the correctness of respondents reason for rejecting applicants' prayer. The categorisation of trades into semi-skilled, skilled, etc. is an expert function based upon detailed job evaluation and is not something to <sup>be</sup> done by Courts/Tribunals. Similarly the Hon'ble Supreme Court in a catena of judgments has deprecated the intervention of Courts/Tribunals in determination of pay scales by expert bodies like Pay Commissions, unless patent and obvious discrimination is made out, because such intervention often disturbs the existing relativities and has a cascading effect.

6. In the present case, no such patent and obvious discrimination has been made out, and any intervention at this stage in the recategorisation of the applicants trades and/or revision of their pay scales, when the 5th Pay Commission has already submitted its recommendations and the same is under consideration of the Central Govt. would be singularly inappropriate.

7. The O.A. is, therefore, dismissed in limine.



(K.M. AGARWAL)

Chairman



(S.R. ADIGE)  
Member (A)