

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 429/94

New Delhi, this the 4th day of August, 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN(J)
HON'BLE MR. R.K. AHOOJA, MEMBER (A)

In the matter of:

1. Yograj Gupta, working as Feeder, redesignated as M/c Attendant/Offset, (printing post) MMU, Department of Family Welfare, Ministry of Health and Family Welfare, Estt. Section III, Govt. of India, New Delhi. resident of Noida, Distt. Ghaziabad, UP.
2. Jai Pal Singh son of Sh. Dhan Singh, resident of W-Z 24, Village Chauhan Kunj, Tilak Nagar, New Delhi-8.
3. Tulsi Dass son of Shri Rasila Ram resident of 4 E, Sector IV, Pushp Vihar, New Delhi.
4. Dharampal Singh son of Bhuley Singh resident of V & PO Baraula, Distt. Ghaziabad, UP.
5. Shyam Lal son of Sh. Lila Singh resident of AB/129, Ram Nagar, Paharganj, New Delhi.

All are working as Feeder, (recommended to be re-designated as Highly skilled by the inter-departmental committee, constituted, pursuant to para 11.71 of fourth pay commission's report), but redesignated as Skilled M/C Attendant in the MMU Department of Family Welfare, Ministry of Health & Family Welfare, New Delhi. Applicants

(By Advocate: Sh. A.K. Bhardwaj)

Vs.

1. Union of India through The Secretary, Ministry of Health & Family Welfare, Estt. III Section, Nirman Bhawan, New Delhi.
2. The Under Secretary, Ministry of Health & Family Welfare, Estt. Section, Nirman Bhawan, New Delhi.
3. The Secretary, Ministry of Finance (Implementation Cell) Central Secretariat, New Delhi. Respondents

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By Hon'ble R.K.Ahooja, M(A)

This application has been filed by the M/C Attendants in the Printing press of Department of Family Welfare. Their grievance is that the respondents have discriminated against the Feeders (Gr. 950-1400) recategorised as Offset Machine Assistant (Gr. 1200-1800) working in the Ministry of Urban Development by re-designating them as M/C Attendants (skilled) in the grade of 950-1500) and not as Offset Machine Assistant (Highly skilled) as in the Ministry of Urban Development.

2. We have heard Sh. A.K.Bhardwaj, counsel for the applicants. He submits that the recruitment rules for appointment as Feeder redesignated as M/C Attendant Offset in the Ministry of Health and Family Welfare and Feeder/Machine Assistant (Offset) redesignated as Offset Machine Assistant are identical in all respects. The nature of duties is also the same and there should, therefore, be no discrimination in respect of the pay scales. He also draws our attention to the counter reply filed by the respondents in which they state that the proposal had been forwarded for revision of pay scales of Feeders of the Ministry of Health to Directorate of Printing for their advice and the Director of Printing had suggested that as the posts are to be filled up through promotion of helpers who are designated as unskilled workers the next higher post of feeders cannot be treated as a highly skilled post. The learned counsel points out that this advice is not correct as a Helper is appointed

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as a Feeder only on qualifying the requisite trade test and there should be no doubt about his eligibility vis-a-vis the 2 Feeders in the Ministry of Urban Development.

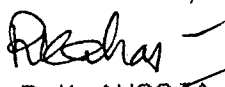
3. Though a reply has been filed by the respondents there is no representation on their behalf. We find from the pleadings that the applicants herein had also filed a representation dated 14.06.1993, a copy of which is available at Annexure 'C' of the OA. Shri Bhardwaj informs us that respondents are yet to take a decision on this representation.


4. We also take note of the fact that since the application was filed the Fifth Pay Commission has also submitted its recommendations. It is possible that the case of the applicants was also being considered by the Pay Commission. As we have not been able to have the assistance of the learned counsel for the respondents, we are ^{aware} not as to that what exactly was the recommendations, if any, made by the Pay Commission.

5. In these circumstances we consider it appropriate to dispose of the OA with a direction to the respondents to first consider the representation filed by the applicants dated 14.6.93 and Accordingly, we direct the respondents to decide the aforesaid representation within a period of 4 months from the date of receipt of a copy of this order. The applicants may make any

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additional submissions to the respondents in support of their representation within a period of one month which may also be taken into account by the respondents. The case is disposed of with the above directions.


(R.K.AHOOJA)
Member (A)


(V.RAJAGOPALA REDDY)
Vice Chairman (J)

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