

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

OA No. 1569/1994

New Delhi this the 30th day of July, 1999

Hon'ble V. Ramakrishnan, Vice Chairman (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

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In the matter of

1. Din Dayal Dandriyal  
S/O Sh. R. N. Dandriyal
2. Shiv Shanker  
S/O Sh. Basudev
3. Sudhir Dobhal  
S/O Sh. Vidyadutt.
4. Puran Chand  
S/O Sh. Mam Chand
5. S. B. Rai  
S/O Sh. C. B. Rai
6. N. K. Joshi  
S/O Shri S. R. Joshi
7. Shyam Sunder  
S/O Sh. Attar Chand
8. J. P. Singh  
S/O Sh. R. L. Singh
9. A. K. Das  
S/O Sh. S. K. Das
11. Sarvajeet Singh  
S/O Sh. Ujagar Singh
12. Harminder Singh  
S/O Sh. Balwant Singh
13. S. B. Lamba  
S/O Sh. J. S. Lamba
14. Rati Ram Pal  
S/O Sh. B. S. Pal
15. Gurvachan Singh  
S/O Charan Singh
16. Manohar Lal  
S/O Sh. A. Narain.
17. P. K. Ahuja  
S/O Sh. N. L. Ahuja
18. B. S. Thakur  
S/O Sh. K. S. Thakur
19. O. B. Ali  
S/O Sh. S. B. Ali
20. Pati Ram  
S/O Sh. J. K. Ratauri
21. Raj Kumar  
S/O Sh. R. Lal

22. K.S.Wadhwa  
S/O R.S.Wadhwa
23. M.P.Kapoor  
S/O Sh.R.G.Kapoor
24. D.S.Rawat  
S/O Sh.S.S.Rawat
25. A.S.Thapa  
S/O Sh.Bhagarbir Thapa
26. R.S.Bhist  
S/O Sh.D.S.Bhist
27. Jagdish Parshad  
S/O Sh.Hari Ram
28. Sunil Dutt  
S/O Sh.Pitamber Dutt
29. A.K.Sharma  
S/O Sh.P.C.Sharma
30. N.D.Sharma  
S/O D.R.Sharma
31. Haminder Kumar  
S/O Sh.D.K.Sastri
32. Darshan Singh  
S/O Shri D.Singh
33. Gyan Chand  
S/O Sh.D.Chand
34. Sant Ram  
S/O Sh.Ram Dayal
35. Prithivi Lal  
S/O Sh.Raghubir
36. N.R.Pundir  
S/O Sh.Sukh Lal
37. K.C.Joshi S/O Sh.T.R.Joshi
38. V.K.Verma S/O Sh.S.P.Verma
39. Om Parkash S/O Sh.Harish Chand
40. Umesh Kumar S/O Vasu Dev Prasad
41. A.K.Sapalok S/O Sh.B.N.Sapalok
- (All are working in Ordnance Factory  
Dehradun and are resident of C/O Arun  
Kumar Jhupo, Village Raipur Near No.4  
Chakki, Dehradun.

(By Advocate Shri V.P. Sharma )

..Applicants

Versus

1. The Union of India through the  
Secretary,  
Ministry of Defence, Deptt.of  
Defence Production,  
Govt.of India, New Delhi.
2. The Director General,  
Ordnance Factory Board,  
10-A, Auckland Road,  
Calcutta.

3. The General Manager,  
Ordnance Factory,  
Dehradun.

..... respondents

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

O R D E R (Oral)

(Hon'ble Shri V. Ramakrishnan, Vice Chairman (A))

The applicants 41 in number belong to the trade of Fitter (Instrument) and all of them are working at Ordnance Factory, Dehradun. In the present O.A they have challenged para 3 of the Circular dated 19.3.1993 (Annexure A-1). This circular deals with advancing the date of granting the higher pay scale from 15.10.84 to 16.10.81 in respect of some trades which had been upgraded from the level of semi-skilled to that of skilled, in pursuance to the recommendations of the Anomalies Committee which was set up to examine the anomalies arising out of report of the Expert Classification Committee (ECC). Para 3 of the circular states that the conditions mentioned in the letter dated 15.10.1984 remain unchanged. Shri Sharma clarifies during the hearing that the applicants were not given the upgraded pay scales which were given to other trades as per the report of the anomalies committee and the relief which is sought for now is that Fitter(Instrument) should also be upgraded to the level of skilled grade and given the pay scale of Rs.260-400 w.e.f. 16.10.1981.

2. We may briefly mention the background leading to the present O.A. The Third Central Pay Commission had recommended that an ECC should be constituted to classify various trades and grades of Industrial employees working in units under M/O Defence and to be fitted into pay scales recommended by the Pay Commission. The Government of India then set up such an Expert Classification Committee in the year 1974 with Mr. Justice K.C.Puri (Retired Judge of the Allahabad High Court) as Chairman. This Committee after

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thoroughly analysing various jobs submitted its recommendations. The ECC had recommended nine scales starting from 196-232 and ending with the scale 380-560. The Government, however, decided to compress the 9 pay scales into 5 pay scales. The Government issued orders implementing the revised 5 pay scales for industrial workers on 16.10.1981. However, certain anomalies came to notice while implementing the decision on revised pay. The Government constituted an anomalies committee to resolve these anomalies. Certain points which were listed as anomalies have been brought out in para 2.2 of the report of the Anomalies Committee on the revised pay scales of Industrial workers in the Defence Ministry which is at Annexure A-3. These relate to job evaluation resulting in missing the higher grade by one point, allotment of two pay scales for the same job in the same organisation etc. The Anomalies Committee had after careful consideration suggested upgradation of certain trades which were earlier classified as semi skilled to skilled. The committee inter alia in para 8.2 observed as follows:-

"The Committee also felt, after the visits to the establishments, that if the nomenclature of the jobs is the same and the job content and skill required are comparable, the same pay scale should be operated uniformly in all Defence Establishments. The Committee, therefore, was of the view that it was not necessary to study the job, say for instance, Turner or Carpenter in the BME and in the DGOF or in the MES separately as this would result, more or less, in duplication of the work of the Committee without any commensurate results.

In fine, for example, if a Moulder in the semi-skilled grade has been evaluated and elevated to the skilled category in the MES, then similarly placed Moulders of the corresponding scale; should be elevated to skilled grade in all other Defence Establishments."

The trade of Fitter is one of the trades recommended for upgradation from that of semi skilled to skilled with corresponding increase in the pay scale. The Government accepted the recommendation and initially

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allotted higher pay scale to as many as 15 trades but w.e.f. 15.10.1984 and not from 16.10.81. The postponement of the date of effect was challenged before the Supreme Court by Bhagwan Sahai and other employees of MES. The Supreme Court while disposing of the Writ Petition Nos. 12259-66 of 1984 held that the later cut off date was arbitrary and granted the relief of upgradation of pay scale w.e.f.16.10.81 instead of from 15.10.1984. The judgment of the Supreme Court was implemented by the Government by the letter dated 19.3.1993, Annexure A-1 which advancing the grant of higher pay scale to these trades to 16.10.81 but provided that the other conditions laid down in the earlier Government letter dated 15.10.84 shall remain unchanged.

3. Shri Sharma, learned counsel for the applicant states that it is evident from the reply statement that as many as 139 trades were analysed by the ECC whereas according to him, the trade of Fitter (Instrument) was not taken up for evaluation by the Anomalies Committee. He, also draws our attention to the fact that the Anomalies Committee had recommended that the semi-skilled jobs (Rs.210-290) in other Defence Establishments whose nomenclature is the same and job content and skill requirement are comparable with the jobs already studied, should also be elevated to skilled category (Rs.260-400) without any further delay. According to him, so far as present applicants are concerned, the nomenclature is the same i.e., Fitter even though they are Fitter (Instrument). He refers to the letter dated 30.5.84 Annexure A-4 of Ordnance Factory, Moradabad where the category of Fitter 'B' which was initially in the scale of Rs.210-290 had been allotted the higher scale of Rs.260-400. He submits that the stand of the department in not granting the higher pay scale of Rs.260-400 to Fitter (Instrument),

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is against the recommendation of the Anomalies Committee. According to him, the nomenclature of the post and also job content of the applicants is the same and therefore, they are entitled to draw the higher pay scale of Rs.260-400.

4. Respondents have filed reply statement in which they have submitted that the Anomalies Committee after thoroughly analysing jobs submitted that there were a number of these trades which were not considered by the ECC for upgradation and which were taken up by the Anomalies Committee, Fitter (Instrument) is not one of the categories which was considered by the Anomalies Committee for upgradation. They also contend that the Supreme Court have not directed that the trade held by the present applicants should be given upgradation scale. For these reasons they argue that the OA is without any merit.

5. We have carefully considered the submissions of both sides. The learned counsel for the applicants has submitted that they are holding the post of fitter (Instrument) and the trade of Fitter has admittedly been upgraded to the level of skilled and given the higher pay scale. It is seen that the Anomalies Committee did not consider the case of fitter (Instrument). While there is similarity in the nomenclature it is not clear as to whether the job content and the skill requirement is comparable to that<sup>66</sup> the general category fitter. It is well settled that it is not for the Court/Tribunal to evaluate the functions or to go into the equivalence as these are left to the expert bodies. Shri sharma refers in this connection<sup>66</sup> the representation dated 13.10.93 (Annexure A-3) filed by the applicants. He says that no reply has been given by the respondents so far to this letter. He says that the grounds taken in OA have been clearly stated in the representation. He now submits that respondent No.3 is fully aware of the job done by the applicants vis-a-vis other trade of Fitter and therefore, a direction may be issued to

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Respondent No.3 to take up the matter with the respondent Nos.1 and 2 and to furnish his comments on the representation at Annexure A-3 and the Respondent No.1 & 2 may dispose of the same. We agree to the request of Shri Sharma. We direct that the Respondent No.3 may furnish his comments on the representation to Respondents No. 1 & 2 and the First and Second Respondent shall dispose of the representation by means of a speaking and reasoned order. If the respondents take the view that the fitter (Instrument) is not comparable to the general Fitter which has been upgraded, they shall bring out reasons in support of their stand. This exercise should be completed within three months from the date of receipt of a copy of this order with intimation to the applicants. If on the basis of the consideration of the representation, the respondents come to the finding that the applicants are similarly situated persons as Fitters, they shall be given whatever benefits are available on that basis.

6. O.A is disposed of as above, with no order as to costs.

*Lakshmi Swaminathan*

(Smt. Lakshmi Swaminathan)  
Member (J)

*V. Ramakrishnan*

(V. Ramakrishnan)  
Vice Chairman (A)

vtc.