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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 1874 OF 1994

New Delhi: February 17, 1995.

Hon'ble Mr. J.P.Sharma, Member (J)
Hon'ble Mr.S.R.Adige, Member (A)

1. The Govt. of India Press Photo Litho
Trade Workers Union,
through its General Secretary-
Shri Shanti Sarup Garg,
S/o Surat Ram,
C-118, Minto Road Complex,
New Delhi.
2. Tirkha Ram,
S/o Shri Baldev Singh,
E-1182, Netaji Nagar,
New Delhi.
3. Hem Chander,
S/o late Shri Kewal Ram,
G-8, Najafgarh Road,
New Delhi.
4. Darshan Kumar,
S/o Shri Lahori Ram,
Government of India Press,
Minto Road,
New Delhi.
5. V.Nagaraja Rao,
S/o late Shri S.R.V. Rao,
C-20, Nanak Pura,
New Delhi.
6. Gurcharan Singh
S/o Shri Dharam Singh,
WZ 374/1, Shiv Nagar,
New Delhi.
7. Sultan Singh,
S/o Shri Behari Lal,
Shikar Pur Village and Post
Najafgarh,
New Delhi.

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8. Ram Dass,
S/o Shri Chottey Lal,
Government of India Press,
Minto Road,
New Delhi.
 9. Man Singh,
S/o Shri Bikhari Lal,
20-D, Rouse Avenue,
New Delhi.
 10. Devi Dutt,
Government of India Press,
Minto Road,
New Delhi.
 11. Jaspal Singh,
S/o S. Roop Singh,
17/722, Anand Parbat,
Military Road,
New Delhi.
 12. Jayant Vaidya,
S/o Shri V.K.Vaidya,
E-15, Nanakpura,
New Delhi.
 13. A.R.Biswas,
S/o late Shri C.Biswas,
A-43, Kailash Colony,
New Delhi.
 14. Sewak Saran,
S/o Shri N.N.Saran,
149, Thompson Road,
New Delhi.
 15. Charanjit Baggal,
S/o Shri Ram Dass,
D-7, Rouse Avenue Road,
(Minto Road),
New Delhi.
 - V.K. Sharma,
S/o late Durga Das Sharma,
Govt. of India Press, PLU, Minto Road,
New Delhi.
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-/-

17. S.G. Goswami,
S/o Shri K.G. Goswami,
93, Mahabat Khan Road,
New Delhi.
18. Ram Dayal,
S/o Shri Kudiyaam,
263-A/D.G.II,
Vikas Puri,
New Delhi.
19. S.C. Chawla,
S/o Thakur Dass Chawla,
B-313, Prashant Vihar,
Delhi.
20. Mohinder Pal,
S/o late Ishwar Dass,
605, Joshi Road,
Karol Bagh,
New Delhi.
21. Shanti Sarup Singh
C 118 Miniz Rd Complex
New Delhi 21

...APPLICANTS

(Represented by local Counsel K.B.S. Rajan,
Advocate, 80, Supreme Enclave,
Mayur Vihar, Phase-I, Delhi-110 091)

// VERSUS //

1. The Union of India,
through-
The Secretary,
Ministry of Urban Development,
Nirman Bhavan,
New Delhi-110 011.
2. The Director of Printing,
Nirman Bhawan,
New Delhi-110 011.
3. The Manager, (PLU),
Government of India Press,
Minto Road,
New Delhi-110 001.

(By Mr Krishna)

...RESPONDENTS

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J U D G E M E N T

Hon'ble Mr. S.R.Adige, Member (A)

In this application, the applicants Govt. of India Press Photo Litho Trade Workers' Union have prayed for quashing the orders dated 26.11.92 and 15.7.94 (Annexure A-1 to A-3) and the declaration that as long as there is no change in the functional responsibilities of machine operators, key board operators, artists, retoucher, assistant artists, cameraman, junior artists, senior artists, their retirement age is 60 years and not 58 years.

2. The case of the applicants' union is that they are employed as machine operators, artists, key board operators and as they originally stood, they were all categorised as workmen within the meaning of FR 56(b). Consequent to Fourth Pay commission's recommendations, their pay was fixed in the scale of Rs. 1400-2300. They claim that the printing staff working in the Govt. of India Press have all been treated at par with workshop staff and refer to that portion of Fourth Pay Commission's Report wherein recommendations have been made for setting up an inter-departmental committee to re-classify various posts in the Press, broadly in accordance with the scheme that had been proposed for other workers in the workshop, namely by an inter-departmental committee, consisting of representatives from all major ministries employing printing staff. The committee would then look into the relevant aspects of re-classification of posts, promotion channels and other related matters so that there was uniformity in the classification, pay scales of printing staff etc.

3. The respondents contend that the proposals made by the Pay Commission in respect of workers in the workshop were to be the norm on the basis of which the inter-departmental committee was to proceed for re-classification. In this connection, attention has also been invited to those recommendations in respect of workshop staff made by the Pay Commission wherein the post of master craftsman in the scale of Rs. 1400-2300 was created which was the terminal grade in the line of workman. The applicants state that it is in this backdrop that the respondents had proceeded with formation of an inter-departmental committee and by OM dated 31.10.89 (Annexure A-6),

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a table was prepared indicating classification of posts and pay scales which included post of Master Craftsman (Rs. 1400-2300). This OM included posts of Offset Machineman and Senior Artists held by the applicants. They state that in the wake of office OM dated 31.10.1989, the respondents issued OM dated 30.8.90 reclassifying as many as 28 posts in the printing press. As a certain set of employees were affected by the said order, they moved OA No.1420/93 for quashing of the impugned orders and for a direction thatw they need not retire at 58 years but only on attaining the age of 60 years. The matter was heard and by judgement dated 11.6.93, the application was allowed on the ground that earlier an offset machineman, namely K.B.Singh, a senior artist P.V.Rao and a senior artist M.D.Sarkar have all retired at the age of 60 years and not at 58 years, and that had not been denied by the respondents. The applicants in that OA should also not be retired at 58 years but allowed to continue upto 60 years. The applicants admit that the order was in personam, and did not apply to others holding the same post of machine operators and have now come against the impugned orders by which they are being made to retire at the age of 58 years instead of being allowed to continue till 60 years.

4. The respondents in their reply have challenged the OA. They state that the applicant who are all offset machinemen and related categories have not challenged the Report of the Inter-departmental Committee dated 29.7.88 and are now estopped from challenging the OMs/orders issued in consequence thereof. They state that the High Powered Dept. Committee set up in pursuance of the Pay Commission's recommendations which was accepted by the Government had after detailed studies recategorised/reclassified various posts in Govt. of India Printing Pressses and refixed their pay scales on the basis of job evaluation. Based on that report, the GOI vide Finance Ministry's OM dated 31.10.89 classified the posts as:

Master Crftsman	Rs. 1400-2300
Highly Skilled Gr.I	Rs. 1320-2040
Highly Skilled Gr.II	Rs. 1200-1800

In that OM it was made clear that the pay scales of Rs. 1400-2300; Rs.1600-2660; and Rs.2000-3000 applied only to supervisory posts. Subsequently by OM dated 26.11.92 the posts of offset machinemen, highly skilled Gr.I (Rs.1400-2300) and offset machinemen, H.S.Gr.II (Rs. 1350-2200) were reclassified as Master Craftsmen and thus came out of the ambit of FR 56(b). It has been emphasised that by being in the category of Master Craftsmen, the applicants have come into the scale of Rs. 1400-2300 while those who were senior artists are in the pay scale of Rs. 1600-2600. It has also been stated that the pay scale of Rs. 1400-2300 has been accorded only to those who are not workmen, and for this reason, Offset Machinemen Gr.I as well as Gr.II were merged into one scale, and even the recruitment rules have been amended in 1993 to show the categorisation of offset machinemen as master craftsmen. For all these reasons, the respondents state that the application is fit to be dismissed.

5. We heard Shri Rajan for the applicant and Shri Krishna for the respondents. Although it was a short reply filed by the respondents, Shri Krishna stated that it should be treated as the final reply. We have also perused the materials on record. Shri Rajan has relied upon the ruling in Raju Sujay Vs UOI 1994 ||27)ATC 726(Ernakulam Bench) wherein annexures A1 and A2 denying benefits under FR 56(b) to the applicant who was holding the post of machineman was quashed on the ground that a condition of service laid down by a statutory rule like FR 56(b) could not be annulled by an executive order, much less an OM. Furthermore, in thawt judgement, it was observed that there was no change of duties or change of pay or nature of duties and merely because an offset machineman who was admittedly a workman in the contemplation of FR 56(b) came to be called a Master Craftsman by means of an OM, could not result in the withdrawal of his duties as a workman.


6. Annexures 1 & 2 referred to in that judgement are not before us and we are unable to determine precisely which executive order was


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quashed, but we note that the fact that the statutory Recruitment Rules framed under Art. 309 of the Constitution were amended in 1993 to show offset machineman as Master Craftsman was not noticed in the judgement in Rajan Sujay case (Supra) by which the recategorisation of offset machineman as Master Craftsman was not made only by the Executive Order, but even led to amendment in the recruitment rules.

7. In the face of the materials produced by the respondents we hold that the applicants having been recategorised as Master Craftsmen, and placed in the scale of Rs. 1400-2300 or even higher scales are no longer workmen within the contemplation of FR 56(b) because this recategorisation/reclassification has meant a change in duties from that of workman to that of a supervisor; it has meant higher pay scales of Rs. 1400-2300 or even higher scales; and the change has not been made only by executive order, but has even led to amendment in the recruitment rules in 1993 which were framed under Article 309 of the Constitution. Thus the ingredients contained in S.K.Varma Vs.Mahesh Chandra (1983) 4 SCC 214 are fully satisfied in this case, and the judgement in Rajan Sujay case (Supra) is *per incuriam*.

9. For the above reasons, we see no reason to interfere in the impugned order and this application fails. It is accordingly dismissed. No costs.


(S.R.Adige)
Member (A)


(J.P.Sharma)
Member (J)

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