

Central Administrative Tribunal
Principal Bench: New Delhi

OA-1566/2000

New Delhi this the 11th day of July, 2001

Hon'ble Mr. V.K. Majotra, Member (A)
Hon'ble Mr. Shanker Raju, Member (J)

1. Jagdish Parshad S/o Sh. Ganpat Ram,
2. Karan Singh S/o Shri Kalii Ram,
3. Baldev S/o Shri Khyali Ram,
4. Madan Lal S/o Shri Budhan,
5. Darshan Singh,
6. Bhoop Singh S/o Shri Dhan Singh,
7. Jaswant Singh,
8. Surender Nath S/o Shri Manik Chand,
9. Ram Karan S/o Shri Mange Lal,
10. Om Parkash S/o Shri Khairati Lal,
11. Raj Kumar S/o Shri Munna Lal,
12. Maman Ram S/o Shri Bharat Singh,
13. Ram Charan S/o Shri Chittar,
14. Ram Ayodh Mehto,

(All are working as Sawyers in the office of ESG & GWS)
under COD Depot, Delhi Cantt-10.

-Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the Secretary,
Ministry of Defence, Govt. of India,
South Block, New Delhi.
2. The Commandant,
Central Ordnance Depot,
Ministry of Defence, Govt. of India,
Delhi Cantt.

-Respondents

(By Advocate: Shri Madhav Panikar)

ORDER (Oral)

By Hon'ble Mr. Shanker Raju, Member (J)

MA-1950/2000 for joining together is allowed.

The applicants who have been working as Sawyers
with the respondents have sought for upgradation of their

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trade to the grade of HS-Grade-I and HS-Grade-II which has been accorded to all other category except the applicants in pursuance of Guha Committee report. The contention of the applicants is that a subsequent letter issued on 28.7.1989 by the Ministry of Defence, Ordnance Factory Board, Govt. of India, the trade of Sawyer has been included in the skilled category and subsequently the same has been treated as a Carpenter as per the order issued on 28.7.89. In this background, it is stated that denial of the benefits accorded to all of the skilled category which is violative of Articles 14 and 16 of the Constitution of India. Learned counsel of the applicants has also placed reliance on an order passed by this Tribunal in OA-1324/97 Bachan Lal & Others Vs. Union of India & Ors. wherein in this similar circumstances the relief has been accorded to Mill Wright workers. Whereas learned counsel of the respondents on the other hand placing reliance on a letter dated 18.5.99 stated that it has been decided by Director General of Ordnance Services that Sawyer trade is not covered under three grade structure. As such they are not entitled for accord of the benefits of upgradation. It is also stated that vide Ministry of Defence letter dated 15.10.1984 sawyers have not been categorised under skilled grade.

2. We have carefully considered the rival contention of both sides and perused the material available on record.

3. In our considered view in their letter dated 28.7.89, the applicants have been put under the skilled category and this letter has not been taken into consideration by the respondents. By issuing letter dated

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18.5.99. As per the rationalisation of Trades and Grades in the Industrial Establishment of ordanance factories organisation and consequent letter issued on 28.7.89 the category of Sawyer has been included and treated as a carpenter in skilled grade such applicants are entitled for accord of upgradation as given to the carpenters in view of the Guha report. We also find that in OA-1324/97 in Bachan Lal's case (supra), the skilled category has been accorded the upgradation in pursuance of Guha Commiittee's recommendations.

4. In the result and having regard to the reasons recorded above, we allow this OA and direct the respondents to consider the cases of the applicants deeming them under the skilled category of Carpenter and to consider their cases with reference to the recommendation of the Guha Committee and implement the same within three months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
(V.K. Majotra)
Member (A)

cc.