

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2656/2000

This the 4th day of December, 2001.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

1. Smt. Rita Ahuja W/O Arvind Ahuja
2. Nanak Chand S/O Mangal Sain
3. Salim Khan S/O Cafoor Ahmed
4. Itwari Lal S/O Dharam Singh

(All working as Tailors under
Central Vehicle Depot
Ordnance Depot, Delhi Cantt,
Delhi).

... Applicants

(By Shri B.S.Mainee, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Defence,
Army HQ, New Delhi.
2. Commandant,
Central Vehicle Depot,
Delhi Cantt,
New Delhi.

... Respondents

(By Shri D.S.Mahendru, Advocate)

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

The applicants are aggrieved by action of the respondents in not placing them in scale of Rs.950-1500/3050-4590 despite such relief having been granted by the Guwahati and Calcutta Benches of this Tribunal in similar OAs, directions whereof have been implemented by the respondents.

2. The applicants are working as tailors in Central Vehicle Depot (Ordnance), Delhi Cantt. under the Ministry of Defence. They were appointed between 1965 and 1998. According to them, though they are skilled

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workers, they were placed in semi skilled grade of Rs.800-1150 by the IV Central Pay Commission (CPC). Whereas other artisans like painters, upholsters, packers etc. who were placed in semi skilled grade by the III CPC were upgraded to skilled category (Rs.950-1500) by the IV CPC, the category of the applicants has been ignored. They have further stated that tailors doing identical jobs in other branches of the Ministry of Defence have been placed in grade Rs.950-1500 by the IV CPC. However, this benefit has been denied to them.

3. The learned counsel of the applicants, Shri B.S.Mainee relied on the following :

- (1) Judgment dated 3.5.2001 in OA No.196/1999 : Ramdeo Shah v. Union of India & Ors. (Guwahati Bench);
- (2) Judgment dated 19.10.1995 in OA No.158/1994 : Natpendra Mohan Paul & Ors. v. Union of India & Ors. (Guwahati Bench);
- (3) Judgment dated 6.9.2000 in OA No.1326/1997 : Satbir Singh & Ors. v. Union of India & Ors. (Principal Bench); and
- (4) Judgment dated 8.3.2000 in OA No.1453/1998 : Basanti Soran & Ors. v. Union of India & Ors. (Calcutta Bench).

He contended that in all the above cases similar workers as the applicants were placed in the superior grade of

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Rs.950-1500 earmarked for skilled categories by the IV CPC. Representations made by the applicants have been rejected by the respondents on the ground that the judgment of the Guwahati Bench in Natpendra Mohan Paul (supra) is not made in rem. Thus, its benefit has been confined only to the applicants in that case. The learned counsel of the respondents stated that the applicants in Natpendra Mohan Paul (supra) were tailors in the Advanced Base Ordnance Branch, while the present applicants are tailors in Central Vehicle Depot (Ordnance) and the functions of tailors in the two Wings of Ordnance Depot are different. Thus, the applicants who are working in the Central Vehicle Depot (Ordnance) cannot be equated with the applicants in Natpendra Mohan Paul (supra) for purposes of grant of scale of Rs.950-1500 which is meant for tailors of skilled category.


4. The learned counsel of the respondents stated that the category of tailors working in the Ordnance Depots under the Ministry of Defence are mainly connected with the job of stitching of uniforms for all categories of Army personnel and thus constitute a skilled category, but tailors working in the Central Vehicle Depot are mainly engaged in manufacturing of gun covers, muzzle covers, dak bags, light covers of tanks, log book covers, repairing of uniforms etc., which functions are qualitatively different than those of the tailors of the Ordnance Depot. In the matter of Natpendra Mohan Paul (supra), the Guwahati Bench of the Tribunal has passed the following order :

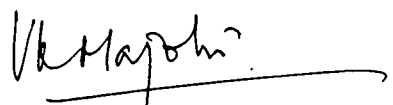
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point rating basis by ECC. It was admitted by both sides that tailors in Ordnance Branch like applicants in the matter of Natpendra Mohan Paul (supra) and those in Central Vehicle Depot (Ordnance) both come under AOC. Whether or not the functions of tailors of Ordnance Branch and Central Vehicle Depot (Ordnance) are same, the respondents have not made any distinction between them on the basis of their functions in their letter at Annexure R-3. Thus, the respondents cannot be allowed to accord a different treatment to the applicants when they too belong to AOC which covers the tailors of Ordnance Depot. It has been held by the Hon'ble Supreme Court in 2000 (1) SLJ 223, Ajay Jadhav v. State of Goa & Ors., that similarly placed cannot be treated differently. Respondents had to conduct themselves like model employers and they will be well advised to extend the benefits of judgments of Courts and Tribunals which have become final to all employees similarly placed and not drive each one of them to seek redressal of their grievance in the Courts.

6. Under the circumstances, we are of the view that the benefits extended to the applicants in the case of Natpendra Mohan Paul (supra) should also be extended to the present applicants within three months from the date of receipt of a copy of this order. We order so accordingly.

7. The OA is disposed of accordingly. No costs.


(Kuldip Singh)
Member (J)


(V. K. Majotra)
Member (A)

/as/