

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

**O.A. No.** 69/89  
**T.A. No.**

199

DATE OF DECISION

1.10.93

Shri Vishnu Dutt Sharma

**Petitioner**Shri Ujjal Singh and Shri G.D.  
Verma**Advocate for the Petitioner(s)****Versus**

Union of India

**Respondent**

Shri M.L. Verma

**Advocate for the Respondent(s)****CORAM****The Hon'ble Mr. J.P. Sharma, Member (Judl.)****The Hon'ble Mr. B.K. Singh, Member (A)**

1. Whether Reporters of local papers may be allowed to see the Judgement? <sup>Y</sup>
2. To be referred to the Reporter or not? <sup>Y</sup>
3. Whether their Lordships wish to see the fair copy of the Judgement? ,
4. Whether it needs to be circulated to other Benches of the Tribunal? —

**JUDGEMENT**

(By Hon'ble Mr. J.P. Sharma, Member)

The applicant was employed as Assistant Foreman, Equine Breeding Stud, Babugarh District, Ghaziabad, and has since retired from service w.e.f. . He earlier moved O.A.-234/86 which was decided by the Principal Bench, C.A.T. on 2.9.1987. In that O.A., he prayed for equation of pay with the Assistant Foreman of Ordinance Services and he is entitled to a pay-scale of Rs.700-900 as admissible to Assistant Foreman under the Directorate.

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General of Ordnance Factories (DGOF). In the alternative, in that applicant he had also prayed for equation of pay with Senior Chargeman in the scale of Rs.550-700. That application was disposed of with a direction to the respondents, ".....There is, therefore, a clear case that the applicant should have been allowed the scale of at least Rs.380-560 or what is applicable to Senior Chargeman, namely, Rs.425-700." On this finding, a direction was issued to the respondents to re-examine his case and allow him the appropriate pay-scale, taking into consideration the recommendations of the Export Classification Committee and the Third and Fourth Pay Commissions. The Under Secretary, Ministry of Defence, by his letter dated 13.6.1988, in compliance with the aforesaid judgement of the Principal Bench in OA-234/86, conveyed the sanction of the President to the grant of revised scale of Rs.380-560 to the applicant w.e.f. 16.10.1981. His pay will be re-fixed as per the recommendations of the Fourth Pay Commission. It appears that the applicant also filed CCP-21/88 which was subsequently withdrawn and was dismissed as withdrawn by the order dated 24.10.1988. On 28th November, 1989, the present application was filed, feeling still aggrieved by the revised pay-scale and praying for grant of the

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following reliefs:-

- (a) Declare that the petitioner ought to have been in the pay-scale of Rs.700-900 since 1983 or any other enhanced pay-scale which may be deemed appropriate with effect from the enforcement of the recommendations of the Third & Fourth Pay Commissions as being paid to the equally and similarly situated employed persons as the petitioner is.
- (b) A further direction that the applicant is entitled to all the consequential benefits, including payment of back wages.

2. A notice was issued to the respondents who filed their reply contesting the application <sup>that</sup> the present application does not lie as the matter stands decided by the judgement delivered in OA-234/86 decided on 2.9.1987. The applicant has been given the revised pay-scale of Rs.380-560. It is further stated that the applicant is not entitled to the pay-scale laid down for the Assistant Foreman (Tech.) of DGOF. There is a considerable difference in the nature of work and duties of Assistant Foremen employed in the Remount and Veterinary Corps and DGOF. This post is non-industrial one in Remount and Veterinary Corps and the educational qualification

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required is only matriculate and diploma is desirable. This unit has a very small repair shop where three carpenters, two blacksmiths and only one welder, have been authorised to carry out very minor repairs of agricultural implements as being done by the local artisans in the villages. The work and duties of the applicant cannot be compared with the Assistant Foreman in Ordinance Services, where the recruitment rules and educational qualifications are totally different.

3. We have heard the learned counsel for the parties at length and perused the record. After the decision in OA-234/86, nothing survives in this case because there is a clear finding by the Bench in that case that the applicant should have been allowed the scale at least of Rs.380-560. The applicant has been provided the same scale. He wants to take advantage of an alternative scale of Senior Chargeman (Rs.425-700) also suggested in the said judgement. Since the matter was left with the department and they have considered it on the basis of the recommendations of the Expert Classification Committee and the Third and Fourth Pay Commissions, the applicant should not have any more grievance on this account. In para.4 of the judgement in OA-234/86, the Tribunal, has considered the pay-scales of various services and after that, the above finding was given.


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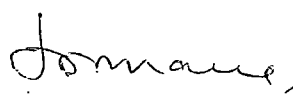
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4. The learned counsel for the applicant has referred to letter No.557-Est./STUD, dated 6.6.1984, whereby it was recommended that the Assistant Foreman in R.V.C. should have been placed in the pay-scale of Senior Chargeman instead of giving a lower pay-scale in spite of having the requisite and likewise qualifications and duties. This letter did not help the applicant at all after the decision of the Tribunal in OA-234/86. We have also seen the recruitment rules for the post of Assistant Foreman in other Ordnance Services, which are on record. The requisite qualifications are totally different from those which are prescribed in the case of Assistant Foreman of R.V.C. For Assistant Foreman, the educational qualification desired is matriculation or equivalent qualification. Further, he should have the knowledge of maintenance and economically running of cultivation machinery, including tractor and their implements, etc. Thus, the experience of some sort of machinery work connected with agricultural implements is required, besides a working knowledge of the workshop, namely, blacksmith, carpenter and fitter. The applicant, therefore, cannot claim equation of posts with that of Assistant Foreman or Senior Chargeman of DGOF. Merely because the applicant has been supervising the work of

carpenters, blacksmiths, etc.,, it does not mean that he can be equated with Assistant Foreman in Ordnance Services.

5. In view of the above facts and circumstances, we do not find any justification to interfere with the revised fixation of pay of the applicant and the matter stands already decided as said above by the judgement of OA-234/86. The application, therefore, is devoid of merit and is dismissed, leaving the parties to bear their own costs.

  
(B.K. Singh)  
Member(A)

  
(J.P. Sharma)  
Member(J)

1.10.93