

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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O.A.No. 3/87

Date of decision. 9-9-93.

Sh. Hoshiyare & Ors.

.....

Applicants

versus

Union of India & Ors.

.....

Respondents

Conam.

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

For the applicants

None

For the respondents

None

JUDGEMENT

(delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A))

This application has been filed by 9 applicants who are working as Annealers in Maradnaga Ordnance Factory in the pay scale of Rs.210-290 (revised pay scale Rs.000-1150). They are demanding equation with Tool Hardners who have been given the pay scale of Rs.260-400. Their request has been rejected by the respondents on the ground that the job specifications as per SRO 357 dated 10.12.1979 for the two posts are entirely different as under:

"ANNEALERS

- (i) Ability to charge, control and close furnaces properly.

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- (ii) Ability to adjust supply of fuel, gas or/and Air by manipulation of valves provided and thus operate and control furnaces on which working.
- (iii) Ability to read Pyrometers and control Furnace temperature.
- (iv) Ability to read temperature control charts and maintaining record of temperature is desirable.

Tool Hardner(Skilled)

- (i) Ability to carry out heat treatment, such as annealing, normalising, case hardening and tempering including pack hardening, hardening of components or repetition parts according to instructions.
- (ii) Ability to harden and temper simple or cutting tools such as lathe tools, chisels etc.
- (iii) Ability to read a pyrometer is desirable though not essential.
- (iv) Ability to harden and temper, large and small components in batches or separately, to meet hardness specifications as well as ability to locally harden and temper important components where required at different hardness figures.

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Ability to heat treat all types of small cuttings tools milling cutters, press tools fixings and gauges made from straight carbon, alloy or High Speed steels without distortion or cracking.

- (v) Ability to operate modern types of furnaces including salt bath furnaces used for heat treatment.
- (vi) Knowledge of quenching mediums (and salts used in heat treatment where provided).
- (vii) Ability to read and set pyrometers as well as setting off temperature controls where provided.
- (viii) Ability to use a hardness tester will be an advantage.

The Third Pay Commission recommended constitution of an Expert Classification Committee(ECC) in the Ministry of Defence for fitting the Industrial Workers in proper pay scales based on the job evaluation. There was dis-satisfaction due to anomalies resulting from the job evaluation. On 24.7.1982 the Anomalies Committee was constituted. The Committee identified 57 jobs which according to the point scores merited fitment in higher pay scales. Later, the Committee drafted the services of expert and carried out re-evaluation of some jobs though they did not cover the Annealers. The applicants have relied on the following observations made by this Committee in Chapter-X para 10(iii).-

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"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 those jobs already studied, should also be elevated to skilled category (Rs.260-400) without any further study (paragraph 7.2 refers)."

The applicants have prayed that the respondents be directed to treat Annealer post in the category of skilled grade of Rs.260-400 with retrospective effect.

In M.P.No.2623/90 the applicants have filed Part-II of the recommendations of the Guha Committee report on Rationalisation of Trades and Grades in the Industrial Establishment of Ordnance Factories Organisation. The recommendations of the Guha Committee report brackets Annealers with Tool Hardners and provides that the incumbents in semi-skilled Grade of the trades which are being merged with another trades or being renamed will be eligible for promotion to Skilled grade of new trade on completion of 3 years service in case of general candidates and 2 years service in case of MCEVT/ITI certificate holders on passing the requisite trade test. The seniority of these individuals on promotion to Skilled grade will be reckoned in the Skilled grade on assumption of higher duties. The applicants have claimed that the Government had already granted their main request for **equating** them with Tool Hardners but they have been ~~deprived~~ deprived of the higher grades for over several years. They have also drawn our attention to certain judgements whereby semi-skilled workers who were given the benefit of higher pay scale later than others were also given these scales with retrospective effect from 16.10.1981.

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However, in all such cases those particular trades had been re-evaluated by the earlier committee. The question, therefore, is if the Annealers and Tool Hardners have been placed in the common category on the recommendation of the Guha Committee. Are they also entitled to similar relief? A reading of para 4 of part II of Guha Committee report (Annexure A 3) clearly shows that a self-contained scheme has been evolved and the semi-skilled Annealers are eligible for promotion to Skilled grade after completion of 3 years service on passing the trade test in the scheme.

In view of the aforesaid considerations, we hold that the applicants are entitled to promotion in accordance with para 4 of the recommendations of the Guha Committee report only on its acceptance by the Government. They would not be entitled to benefit of higher scales with retrospective effect.

The application is disposed of with the above observations.

No costs.

S. H. Dhaondiyal
(S.H. Dhaondiyal) 25/1/93

Member (A)

S. H. Dhaondiyal
(S.H. Dhaondiyal)

Vice Chairman