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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA NO. 1875 OF 1990

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New Delhi this the 5<sup>th</sup> February, 1995

CORAM:

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

The Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

1. Ashok Kumar Das s/o Sh. B.P. Das
2. Ram Pal Singh S/o Sh. Daryav Singh,
3. Ramesh Basin s/o Sh. Ram Ashre.
4. Ram Bilash s/o Sh. Hira Lal.
5. Ram Krishan Pali s/o Sh. Fateh Singh.
6. Ummed Singh s/o Sh. Cjander Singh .
7. S.K.Ganguli s/o Sh. D.N.Ganguli
8. Gaj Raj Singh s/o Sh. Lok Raj.
9. R.B. Garg s/o Sh. Tek Ram.
10. Suraj Kumar Chakroborty. s/o Sh. S.K.Chakarborty.
11. Mam Moham Kumar s/o Sh. Lajpat Singh
12. Gircharan Singh s/o Sh. Piara Singh.

All are working as Electricians (Skilled) and posted  
at Ordnance Factory, Muradnagar,  
District. Ghaziabad (UP).

.....Applicants.

(By Advocate Sh. V.P.Sharma)

Versus

1. Union of India through the Secretary  
Ministry of Defence, Govt. of India  
New Delhi.
2. The Director General of Ordnance Factories,  
Ministry of Defence, Govt. of India,  
10-Auckland, Calcutta.
3. The General Manager,  
Ordnance Factory, Ministry of Defence,  
Muradnagar, Distt. Ghaziabad(UP)

(By Advocate Shri V.S.R.Krishna)

.....Respondents

A

(R)

O R D E R

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

In this application Shri A.K.Das and 11 others, all electrician(Skilled) in the Muradnagar Ordnance Factory have impugned the respondents action in ~~highly~~ not considering them <sup>highly</sup> for promotion as Wireman(Skilled Grade-II) + Wireman(Highly Skilled Grade-I).

2. From the material on record it appears that the applicants joined service as Wireman(Skilled). At that time promotion opportunities in the Wireman cadre were non-existent and the applicants were promoted as Electricians(Skilled) upon their clearing the DGCF<sup>s</sup> competency test <sup>plus</sup> other tests, which enabled them to be considered for further promotion in the Electrician Cadre as Electrician(Highly Skilled) and Master of Technician. However consequent to the Guha Committees recommendations, promotion opportunities opened up in the Wiremen Cadre as Wireman (Skilled), Wireman(Highly Skilled Grade-II) and Wireman(Highly Skilled Grade-I). The applicants now want to ~~return~~ to the Wireman Cadre and be considered for promotion as Wireman(Highly Skilled Grade-II) & Wireman(Highly Skilled Grade-I).

3. The respondents oppose this prayer, averring that the two cadres are different in job specifications; Skill level, Competency etc. and permitting the applicants to be considered for promotion in the Wireman cadre will be unjust to the existing wireman.

4. The applicants in their rejoinder alleged that the restructuring and widening in the Wireman cadre has taken away the work performed by electrician and also that the respondents should have sought the applicants opinion whether they would like to continue as electricians or revert to the stream of wireman, in view of the promotion opportunities that had been newly created there. It is also emphasized that the job specification for Wireman and Electrician is ~~essentially~~ the same, the only difference being that the electricians have to pass some additional competency tests, and for this a sub class of electricians should not be created in the composit class of wireman and electrician.

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5. We have heard counsel for both parties, perused the materials on record and the matter careful consideration. It is clear that prior to this Guha Committee's recommendations, Wireman, who had no promotion line open to them were permitted to appear for the test as Electricians and were ~~absorbed~~ as Electricians, provided they possessed<sup>the</sup> the necessary competency <sup>and knowledge</sup> ~~and experience~~. The Ordnance Factory Board however appointed a Committee on a demand raised in the JCM to rationalise the trade and grade structure of Industrial Employees, including Electricians and Wireman in Ordnance Factories, and this Committee named the Guha Committee, recommended recognition of Wireman as an independent trade on the basis of their job specifications, Wireman thus are now recognised as an independent trade, with its own classification, job specifications, educational and experience qualifications, promotion channel, Skill levels as well as nature of duties and responsibilities, as would be evident from Annexure R-I to the respondents reply. Under these circumstances if the respondents restrict further promotion to Wireman (H.S. Grade-II) and (H.S. Grade-I) to Wireman (Skilled), i.e. to those within the cadre of Wireman, consequent to the Guha Committee recommendations, on the ground that they form a separate class, distinct<sup>and A</sup> separate from Electricians it can not be found that they are ~~ever~~ acting arbitrarily, perversely, illegally, or violating Articles 14 or 16 of the Constitution, as the promotion channel of Electricians, in their own cadre is in no way affected. Shri Verma for the applicants has sought to place reliance on the rulings in State of Mysore Vs. M.H. Krishnamurthy 1972 SLR 832 and R.S. Deodhan Vs. State of Maharashtra 1974(1) SLR 470, in support of his contention that the distinction between Electricians category and Wireman category is arbitrary, is artificial, is ~~irrational~~, and they <sup>essentially</sup> form a single category, and therefore the differences in the promotional avenues in the case of Electricians can not be justified. In these

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judgements it has been held that when the qualifications and status of persons working in formerly separate units were identical, the work was of the same nature, the standards, objective tests prescribed were identical, any artificial distinction would be arbitrary. In the present case, as pointed out Wiremen and Electricians are ~~constituted~~ <sup>constituted</sup> and recognised as separate trades by a high powered technical Committee such as the Guha Committee, with their own classification, job specification, educational & experience qualifications, Skill levels, nature of duties and responsibilities as would be evident from the annexure to the respondents reply (R-I). Under these circumstances the facts in the present case are clearly distinguishable from the facts in the rulings relied upon by Shri Verma, and those rulings, therefore do not help the applicant.

6. In the result <sup>no</sup> good grounds to interfere in this matter and the application fails. It is accordingly dismissed. No costs.

Lakshmi Swaminathan  
(Lakshmi Swaminathan)  
Member (S)

A. Adige  
(S.R. Adige)  
Member (A)

cc.