

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

DA NO. 1875 OF 1990

New Delhi this the 5th 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

(12)

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 ^{in highly} ~~highly~~ not considering them for promotion as Wireman(^{in highly} Skilled Grade-II) + Wireman(Highlyⁱⁿ 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-existentⁱⁿ and the applicants were promoted as Electricians(Skilled) upon their clearing the DGCF competency test ^{plus} 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 prayerⁱⁿ 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.

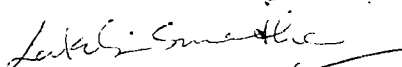
4. The applicants in their rejoinder allegedⁱⁿ that the restructuring and widening in the Wireman cadre has taken away the work performed by electrician and also that the respondents should have sought the applicants ^{opinion} ~~opinion~~ whether they would like to continue as electricians or revert 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} ~~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.

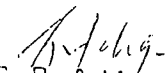
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judgements it has been held that when the qualifications and status of persons working in formerly separate units were identical, the work was of the same nature, the standards, objective tests prescribed were identical, any artificial distinction would be arbitrary. In the present case, as pointed out Wiremen and Electricians are ^{constituted} ~~constituted~~ 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, ^{we see an} no good grounds to interfere in this matter and the application fails. It is accordingly dismissed. No costs.


(Lakshmi Swaminathan)
Member (J)


(S.R. Aditya)
Member (A)

cc.