

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

D.A.No.2090/1990

New Delhi, This the 17<sup>th</sup> Day of October 1994

Hon'ble Shri Justice S.C.Mathur, Chairman

Hon'ble Shri P.T.Thiruvengadam, Member(A)

1. Shri Dulichand s/o Hadu Ram
2. Shri Satbir Singh s/o Shri Darywa Singh
3. Shri Tota Ram s/o Shri Chant Ram
4. Shri Om Parkash s/o Shri Chirangi Lal
5. Shri Chaker Datt s/o Shri Jay Naraiian
6. Shri Uday Singh s/o Shri Chatram
7. Shri Khushi Ram s/o Shri Dudhu Ram
8. Tulsi Ram s/o Shri Sukhari Ram
9. Shri Chotta Ram s/o Shri Sukhari Ram
10. Shri Nanak Chand s/o Shri Chuttan Ram
11. Shri Kahyalal s/o Shri Ram Parsad
12. Shri Dharam Nath s/o Shri Phanya
13. Shri Shiv Prasad s/o Shri Mangram
14. Shri Kishan Chand s/o Shri Kulichand
15. Shri Sultan Singh s/o Shri Jiwan Lal
16. Shri Pritam Chand s/o Shri Bantu Ram
17. Shri Janak Dulari s/o Shri Mahender Pal
18. Shri Surjeet Kaur s/o Shri Nand Kishor
19. Shri Santi Devi s/o Shri Rohan Lal
20. Shri Chander Kanta s/o Shri Madan Lal

Tailor and parashop Ordnance Depot  
Shakur Basti

..Applicants

By Shri B.S. Mainee, Advocate

Versus

Union of India: Through

1. The Secretary  
Ministry of Defence  
Army Headquarter  
New Delhi.
2. The Officer Commanding  
Ordnance Depot  
Shakur Basti  
Delhi.

..Respondents

By Shri M .L. Verma, Advocate

O R D E R

Hon'ble Shri P.T.Thiruvengadam, Member(A)

1. The applicants are working as tailors in Ordnance Depot, Shakur Basti and they were allowed scale of Rs.800-1150 on 1.1.86. It is their grievance that they should have been placed on the scale of Rs.950-1500 with effect from that date and this OA has been filed for a direction for such fixation.

2. The learned counsel for the applicants argued that a number of categories like painter, Up holsters<sup>/and</sup> packers were also in the same scale as tailors viz Rs.210-290(Third Pay Commission Scales). However all these categories excepting the tailors have been provided with the replacement scale of Rs.950-1500, whereas the tailors have been given the scale of Rs.800-1150 with effect from 1.1.86. Thus the applicants have been discriminated against. It is also argued that the tailors in other branches/departments have been given scale of Rs.950-1500 while only the tailors in Ordnance Depot have been conferred the scale of Rs.800-1150.

3. The learned counsel for the respondents referred to the counter affidavit and traced the background to the issue. It was mentioned that the Third Pay Commission had recommended in para 19 of Chapter 19 the setting up of an Expert Classification Committee(ECC) for studying and evaluating the job contents of all industrial jobs in defence establishments and for evaluating suitable pay scales within the frame work of the recommendations of the Pay Commission. Thus the ECC headed by Mr. Justice KC Puri, retired Judge of Allahabad High Court was constituted to go into the details. This Committee studied more than 1700 industrial jobs in various defence establishments and applied the technique of job evaluation following the point on the rating method. Though initially the ECC had recommended 9 different pay scales to correspond to different slabs<sup>/of</sup> point ratings it was later decided in consultation with the federations of the employees to compress

the nine pay scales into 5 pay scales and the correlation was evolved as under:-

"Co-relation Point range evolved on the basis of 5 pay scales"

<u>Scale Rs.</u>	<u>Points</u>
196-232	Upto 205
210-290	206-250
260-400	251-328
330-480	329-388
380-560	389 & above "

4. The points scored by tailors of AOC as per job evaluation were 228 and accordingly they were fitted in the scale of Rs.210-290.

5. Later, the case of tailors of AOC was referred to anomaly committee which did not find any anomaly in the pay scale of tailors of AOC arrived at on ECC point rating .

6. Based on further representations a special committee headed by Brigadier Goal was constituted but the report of this committee which was an internal committee was not published.

7. It is the case of the respondents that the difference <sup>/in</sup> pay scales between tailors of AOC and tailors of other branches as well as those belonging to other trades had arisen mainly because of the varying job contents. In the face of this we cannot accept the argument that the tailors of AOC have been discriminated against.

8. It was then argued by the learned counsel for applicants that even the authorities of Ordnance Depot at Shakur Basti recommended to the Western Command Headquarters for removing the anomaly of tailors of AOC being in a lower scale vis-a-vis other comparable groups. But it is the stand

of the respondents that such recommendation was made because of the representations from the unions/associations.

9. Reliance has been placed on the orders passed by Bangalore Bench of this Tribunal in OAs 2029 and 2039 to 2041 of 1988. This was a case where the Permanent Way Inspectors(PWI) and Permanent Way Mistries(PWM) of Indian Railways had been provided with the same scale. The Tribunal observed the equation of the supervisory posts of PWI with those of PWM is ex facie, inequitable and directed the competent authority to re-evaluate the nature of duties and responsibilities in the post of PWI and revise the pay scale accordingly. The main premise was that the supervisory and supervised were in the same scale. The learned counsel for the applicants could not confirm that <sup>on the</sup> basis of this order there was any revision in the pay scales of PWIs. Be that as it may, in this case the respondents have denied that the tailors supervise the work of tailor(mates), in para 4.13 of the reply. Hence the main ground of the applicants that they should be in a scale higher than the tailors(mates) who are also in the scale of Rs.800-1150 cannot be sustained.

10. The learned counsel for the applicants referred to the orders of this Bench of the Tribunal in OAs 1776/88, 19/89 and 886/89 where a direction was given to rationalise the pay scales of Professional Assistants who are promoted from the feeder post of senior computer. All these posts were carrying scale of Rs.425-700 and mainly on the ground that a higher post of promotion should be in a scale higher than the

feeder post a direction for rationalisation of the pay scale of the higher post was ordered. It is the contention of the learned counsel for the applicants that this order has been complied with. The learned counsel for the respondents however relied on the observation of Their Lordships of Hon'ble Supreme Court in State of UP Vs. J.P. Chaurasia reported in AIR 1989 SC 19 to the effect that the evaluation of duties and responsibilities of various posts should be left to the expert bodies and the court should normally accept the recommendations. It was admitted by the learned counsel for the applicants that a memorandum has been submitted by the applicants to the Fifth Pay Commission which has been constituted and whose proceedings are well under way. We also note that the main issue regarding pay scale for tailors has been gone into by the ECC as well as by Anomaly Committee. In the circumstances, we do not consider it proper to give a direction to the respondents for rationalising the pay scale of the tailors, at this stage.

11. In view of what is stated above, the D.A. is rejected. There shall be no order as to costs.

17/10/84  
(P.T. THIRUVENGADAM)  
Member(A)

'LCP'

(S.C. MATHUR)  
Chairman