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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 1311/2004

This the 23rd day of March, 2005

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)
HON'BLE MR. S.K.MALHOTRA, MEMBER (A)

1. Omprakash S/o Shri Ram Pat,
Aged about 38 years,
R/o Vill. Ranhola P.O. Nangloi Delhi-41.
2. Shri Rameshwar Shah S/o Sh. Sham Dev Shah,
Aged about 41 years,
R/o A-104, Gaurav Nagar, Prem Nagar Phase II,
Nangloi, Delhi-41.
3. Sh. Surender Singh Rawat, S/o Sh. Gokul Singh Rawat,
Aged about 46 years,
R/o X-A/43A Budh Vihar Phase-I, Delhi-41.
4. Sh. Dadhibal Bhagat S/o Sh. Ashrfi Lal Bhagat,
Aged about 42 years,
R/o E-479 Madipur, Delhi.
5. Sh. Ashok Kumar S/o Shri Ram Lal,
Aged about 38 years,
R/o RZ-55, Nangloi Saiyad, Delhi-87.
6. Sh. Satyawar
R/o Vill & P.O. Niloti, Nangloi, Delhi-41.

All working as Rope Workers in the Ordnance
Depot, Shakur Basti, Respondent No.2.

(By Advocate: Sh. Deepak Verma)

Versus

Union of India through

1. The Secretary,
Ministry of Defence,
North Block, New Delhi.
2. The Commandant,
Ordnance Depot,
Shakur Basti, New Delhi.

(By Advocate: Mrs. Promila Safaya)

For and on behalf of the Union of India

ORDER (ORAL)

By Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)

Applicant has filed this OA for a direction to the respondents to re-fix the pay of the applicant in the skilled grade of Rs.260-400/950-1500/3050-4590 from 15.10.1984, the date from which all other semi-skilled categories have been placed in this grade and grant consequential benefits arising out of the re-fixation of pay.

2. Applicants are the Rope Workers working in the Ordnance Depot of the respondents. They were in the semi-skilled grade of Rs.2650-4000 w.e.f. 1.1.1996. According to the applicant's they were skilled workers but were erroneously placed in the pay scale which was admissible to semi-skilled category. All the artisans were placed in the skilled category since 1994 but the category of Rope workers and some other categories were wrongfully placed in semi-skilled category. The category of tailors/tent menders who were also similarly placed, however, have been placed in the scale of Rs.950-1500 (pre-revised) and Rs.3050-4000 (revised) and the arrears were also paid to them. Other artisans like painters, uphostlers, packers etc. who were also in the semi-skilled category grade have been granted the skilled category grade as above. The painters, uphostlers, packers etc. who were in the pay scale of Rs.800-1150 like the applicant have also been placed in the category of Rs.950-1500 from 1994. Category of tailors, rope workers, tent menders, however, were wrongfully excluded from the list of categories of semi-skilled grades when other categories were upgraded to the skilled grade. There was another category placed in the feeder category of Rope Workers which was designated as Rope Worker Mate and it was also placed in the same scale of Rs.800-1150 (Rs.2650-4000 revised) as given to Rope Workers which were higher promotional post. Skilled categories were given three grades commencing from Rs.260-400 (pre-revised) on the basis of recommendations of Anomalies Committee vide letter dated 15.10.1984. These recommendations were carried out in respect of all other categories of Artisans but some categories including the Rope Workers were wrongfully excluded from this list. Tailors filed a

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petition in the Guwahati, Calcutta and some other benches of this Tribunal praying for upgradation of that post to the category of skilled worker in the pay scale of Rs.950-1500 (pre-revised). These OAs were allowed and the tailors have been upgraded from semi-skilled to skilled category in the scale of Rs.950-1500 (pre-revised) and Rs.3050-4590 (revised). Copies of the order of the Tribunal is annexed with the OA. Certain other categories like Tent Menders, Rope Workers, Chuckler, Cycle Fitters also filed OA-196/99 before the Guwahati Bench who were denied the skilled grade of Rs.260-400 w.e.f. October 1981 in accordance with the Government of India letter dated 15.10.1984. This OA was allowed by order dated 3.5.2001 with a direction to the respondents to declare the grades of Tent Menders, Rope Workers, Chuckler, Cycle Fitter as skilled workers and provide the benefit thereafter subject to the sanction w.e.f. 9.11.1984 in terms of the Government of India letter dated 15.10.1984 as modified vide letter dated 19.3.1993. The applicants of aforesaid OA have already been placed in the skilled grade and their pay has also been refixed from 1984 and the arrears have been paid. The claim of the applicant has been rejected by the respondents on the ground that they were not party to the earlier cases. Applicants were similarly situated persons and were entitled to be placed in skilled category as was done in the case of other artisans particularly when it has not been denied by the respondents that the duties, functions, responsibilities and qualifications etc. of the applicants are similar to those of the Tailors/Tent menders. Applicants, therefore, were entitled to the same grade.

3. This OA was contested by the respondents on merit. It is contended that the applicants were employed in Ordnance Depot and in accordance with the recommendation of 5th Pay Commission Rope Workers were given pay scale of Rs.2650-4000 and were treated as semi-skilled workers. An Expert Classification committee was set up by the Ministry of Defence in October 1974 in pursuance to the recommendation of the 3rd Pay Commission. ECC adopted points rating method for evaluating more than 1700 Industrial Jobs after assigning specific weightage to various factors such as education, training,

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experience job skill, physical mental visual efforts, material etc. ECC submitted its report in January 1979 recommending 9 pay scale from the unskilled category to the higher skilled grade-I. The recommendations of the ECC was examined by the cabinet for fitment of Industrial worker which were sanctioned vide letter dated 11.5.1983. The trade of the applicant was not upgraded by the ECC or the anomalies committee, as they did not fulfil the criteria for upgradation based on points rating method. OA-1326/1999 was based on CAT Guwahati Bench Order and the judgement was applicable to the tailors and not to the Rope Workers. It is further submitted that the pay scale of skilled category is Rs.3050-4000 and pay scale of semi skilled category is Rs.2650-4000. Artisans like welder, Armourer, Electrician, Blacksmith, Carpenter and joiner, packer, painter and decorator are in skilled category whereas brazier, lister driver, blacksmith striker, bicycle fitter, hammer man, laundry operator and rope workers have not been placed in skilled category whereas the work performed by abovementioned category of workers involves less skill as compared to the category of Rope Workers. The Full Bench of CAT Mumbai in OA-735/1999 has reviewed the Guwahati Bench order and has held vide order dated 20.6.2001 that it was not a good law. Respondents further submitted that after the order of tailors Full Bench at Mumbai of this Tribunal held by order dated 20.6.2001 in OA-459/1997, 460/1997, 735/1999, 740/1999, 891/1999, 971/1999, 122/2000 and 252/2000 ^{that} the order of Guwahati Bench was not a good law. It is further submitted that in OA-762/2002 the order was implemented subject to review and recovery based on the outcome of the CWP No.9539/2003 which has been filed by the respondents against the applicant assailing the orders in OA-762/2002 which is pending before the Hon'ble Delhi High Court. Respondents had denied that the applicant's duties, functions, responsibility and qualifications are similar to the artisans and other skilled category persons and that the applicant is a person similarly situated and should be given the benefit of the orders.


5. In the rejoinder applicant have reaffirmed their case and denied the allegations made by the respondents.

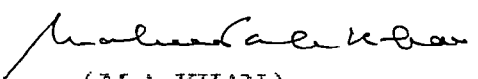
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6. At the time of hearing, counsel for applicant has referred to the order of this Tribunal dated 3.5.2001 passed in OA-196/99. He has submitted that the facts of the present case were exactly identical and the question of law and fact which requires determination in this case are also similar. It is submitted that this order of the Tribunal covers the present OA completely. He has requested for disposing of this OA also in terms of the order which was passed in that OA. Learned counsel for respondents has agreed that the facts and the question of law involved in the present OA ~~were~~ similar to the questions which were raised and were decided in the order dated 3.5.2001. However, it is submitted that this order has been challenged by the respondents in WP (C) No.9539/2003 before the Hon'ble Delhi High Court and that the respondents will abide by the order of the Hon'ble High Court in the writ petition.

7. Counsel for the parties agree that this OA may be disposed of in terms of the order of this Tribunal dated 3.5.2001 in OA-196/99 subject to the ~~decision~~ passed by the Hon'ble High Court in WP(C) No.9539/2003 Union of India vs. Surender Singh and whatever relief is granted to the parties in the Writ Petition, applicants and respondents of this OA shall also be entitled to the same relief. We are inclined to agree with the submission made by the learned counsel.

8. Accordingly, the present OA is disposed of in terms of the order dated 2.12.2002 passed in OA-762/2002. It is further directed that this order will be subject to the decision of the Hon'ble High Court in WP (C) No.9539/2003 Union of India vs. Surender Singh and this OA shall be deemed to have been decided in terms of the order by the Hon'ble High Court passed in WP (C) No.9539/2003. Parties shall abide by that order. However, parties are left to bear their own costs.


(S.K. MALHOTRA)
Member (A)


(M.A. KHAN)
Vice Chairman (J)