

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 16th day of August, 2001.

Coram: Hon'ble Mr. S. Dayal, AM

Hon'ble Mr. S.K.I. Naqvi, JM

ORIGINAL APPLICATION NO. 1123 OF 1997

1. Parmeshwar Prasad s/o late Munnu Lal
r/o H.No.58/3, Chungi Defence Colony,
Kanpur Ticket No.544 MM.
2. Mewa Lal, s/o late Subedar,
r/o H No.19/16, New Idgah Colony,
Kanpur, T.No.303 MM.
3. Daya Shanker, s/o late Mangal,
r/o 9/2, Bhagwat Das Defence Colony,
Kanpur T.N.95 MM.
4. Shatrughan s/o late Tanku,
r/o Hata No.40 Sujatganj, Post COD, Kanpur
T.No.162 MM.
5. Durga Prasad s/o late Murli
r/o Central Bank Gali, Ambedkar Nagar,
Shuklaganj, Unnao, Ticket No.3 MM.
6. Ramayan Mishra, s/o Brind Prasad Mishra,
r/o 9/5 Bhagwat Das Ghat, Defence Colony,
Kanpur Ticket No.214 MM.
7. Bhawani Prasad Singh, s/o Ambika Singh,
r/o Bhai Sahib Ka Hata, Bungalow No.91,
Cantt. Kanpur, T. No. 168 MM.

. Applicants

(By Advocate: Sri Shesh Kumar)

Versus

1. Union of India through Secretary Defence,
production, New Delhi.
2. General Manager,
Ordnance Equipment Factory, Kanpur.

. Respondent

(By Advocate: Km. Sadhna Srivastava)

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(By Hon'ble Mr. S.Dayal, AM)

This Original Application has been filed filed for setting aside the impugned order dated 5.9.97 issued by the Assistant Works Manager (Personnel) and declare that the applicant ~~be are~~ entitled to skilled workers grade in terms of letter dated 16.10.81 on the judgment of the Apex Court in Examiner Association of Ordnance Factory Moradnagar Vs. Union of India in Writ Petition No. 40 of 1991 decided on 11.4.91. The applicants had worked as Pump attendants in Ordnance Equipment Factory, Kanpur. They claimed that as Pump Attendants they had to discharge the duties of skilled workers. It is claimed that as a result of recommendations of Expert Classification Committee, certain trades were upgraded to skilled grade and, thereafter, by the order dated 15.10.81, certain other trades including that of Book-Binders were upgraded as skilled grade. The applicants claim that their trade is also upgraded as skilled trade and they should be allowed the benefit of skilled grade w.e.f. 16.10.81.

2. We have heard the arguments of Sri Shesh Kumar for the applicants and Km. Sadhna Srivastava for the respondents.

3. We have considered the reply given to the representation filed by the applicants on 10.4.97 and 20.4.97 by the respondents vide their letters dated 5.9.97 to Sri Durga Prasad, Sri Ramayan Misra and Sri Shatrughan, by which they have informed

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the applicants that the trade of Pump Attendant has not been upgraded by the Expert Classification Committee as well as Guha Committee and that only trades upgraded by the order dated 15.10.81 were to be given the benefits w.e.f. 16.10.81.

4. We find that Annexure No.2 to the OA, which is an order dated 16.10.81, issued by the Ministry of Defence by the Director General of Ordnance Factories, Calcutta, conveying the sanction regarding fitment of industrial workers in Ordnance/Ordnance Equipment Factories in 5 categories, namely, unskilled, semi-skilled, skilled, highly skilled Grade-II and highly skilled grade-I. The learned counsel for the applicants has sought the benefit of paragraph no.2 of this order, stating that the semi-skilled trades were required to be upgraded to the skilled grade. We do not find this contention of the learned counsel for the applicants valid in-so-much as only certain trades, for which the recommendations of Expert Classification Committee and Guha Committee have been received were to be upgraded and not all semi-skilled, including one in which the applicants were working, are required to be upgraded.

5. The learned counsel for the applicants has sought the benefit of the judgment of this Tribunal in OA No.345 of 1992 decided on 18.1.93. Since the applicants belong to the trade of Pump Attendant and the judgment is regarding the trade of Book-binder, which got upgraded as a result of orders dated 15.10.81, the applicants cannot claim the benefit

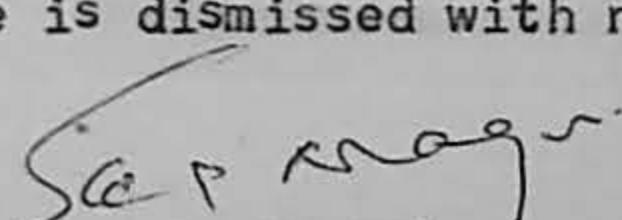
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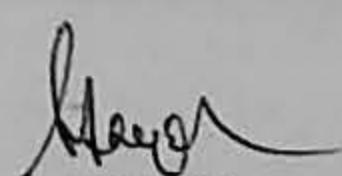
of the said judgment as far as the trade of Pump Attendant is concerned, as this trade has not been included in the upgraded trades on the basis of the recommendations of Expert Classification Committee and Guha Committee.

6. The applicants in claiming discrimination is requiring the Tribunal to perform the function of Expert Classification Committee or Anomaly Committee, which functions have been entrusted by the respondents to Expert Bodies and would not come within the purview of the Tribunal under judicial review.

7. The order dated 27.3.90 makes it quite clear that the applicants belong to the semi-skilled trade of Pump Attendant and had been made to undergo the prescribed trade test in order to be included in the category of Fitter/Mechanic, which was a trade in the category of skilled worker.

8. We, therefore, find no merit in the OA and the same is dismissed with no order as to costs.


(S. K. I. NAQVI)
MEMBER(J)


(S. DAYAL)
MEMBER(A)

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