

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 916 of 1998

Allahabad, this the 30th day of ^{8 July 8} 2003

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER A

HON'BLE MRS. MEERA CHHIBBER, MEMBER J

1. Babu Lal son of Late Shri Suddhu Lal
r/o 185, Khushal Parwat, Allahabad,
2. Ganga Ram son of Late Shri Ram Das
r/o 23 New Bairahana, Allahabad
3. Hira Lal son of Late Shri Rameshwar Prasad
r/o 195 Saxdar Bazar, Allahabad.
4. Amar Nath son of Late Shri Sadhri
r/o 208 Krishna Nagar, Allahabad
5. Nand Kishore son of Late Shri Girdhari Lal
r/o 267, Madhwapur, Allahabad.
6. RiyazUddin son of Late Shri Mohd.Siddique r/o
16/1 Pura Fateh Mohd. Sangam Road, Naini, Allahabad.
7. Chhedi Lal S/o Late Shri Kalidas, r/o 100
Naya Gaon, Allahabad.
8. Gopalji Shrivastava S/o Late Shri Mewa Lal,
r/o 51, Ganga Ganj, Allahabad.
9. Vishwanath s/o Late Shri Suraj r/o 140, Old
Bairahana, Allahabad.
10. Lakhan Lal son of Late Shri Maikoo Lal
r/o 69, K.L.Kydganj, Allahabad.
11. Mohd. Irfan s/o Late Shri Abdul
r/o 218/187, K.L.Kydganj, Allahabad.
12. Bhagwan Das son of Late Shri Mahadev,
r/o 84-A, Sadar Bazar, Allahabad.

.....Applicants.

(By Advocate : Shri Yar Mohammad)
(absent)

Versus

1. Union of India
Through the Secretary, Ministry of Defence, New Delhi.
2. Director General of Ordnance Services,
Master General of Ordnance Branch,
Army Headquarters, DHQ NO D New Delhi - 11.
3. Commandant,
Ordnance Depot, Fort,
Allahabad.

.....Respondents.

(By Advocate : Shri V. Gulati)

.....2/-



BY HON'BLE MRS. MEERA CHHIBBER, MEMBER J

None appeared on behalf of applicants even in the revised call. We could have dismissed this O.A. for default and for non-prosecution but counsel for the respondents informed us that the whole case of the applicant is based on a judgment given by Guwahati Bench of the Tribunal, but matter was thereafter, referred to the Full Bench and the Full Bench after discussing all the points raised by both the parties, has specifically overruled the judgment given by the Guwahati Bench ^{and} which has held as follows :

- " (i) Here, we would like to observe that whether a job be treated semiskilled or skilled is a policy matter to be determined by the Ministry with the help of experts, who are acquainted with the nature of job. It is not for this Tribunal to declare a job to be skilled or semi-skilled when the Ministry of Defence has considered the matter taking into consideration relevant factors, which have not been challenged on facts. Under law, it is beyond the scope of power of Tribunal to substitute its decision in such matters by declaring job in question to be a skilled job or applicants being entitled for revised pay scale.
- (ii) The learned counsel for the applicant referring to facts of some OAs under consideration, tried to show that the action of the Ministry in upgrading some jobs from semi-skilled to skilled grade and revising pay scale of those jobs alone while leaving out applicants job of Tailors from the skilled grade is unreasonable and bad in law. It is correct that some jobs have been upgraded and pay scale has also been revised by the Ministry, but that was done on recommendation of Anomalies Committee/Third Pay Commission. The Third Pay Commission was an expert, body entrusted to recommend what jobs be upgraded and pay scale be revised. The Third Pay Commission's recommendation is not under challenge. The applicants have neither challenged recommendation of Anomalies Committee/Third Pay Commission nor they are seeking any relief against procedure adopted and conclusion drawn by it. There is presumption that such a body has taken

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into consideration all the relevant factors in making its recommendation. Therefore, as it did not recommend the Tailors trade to the upgraded as skilled and pay be revised and when the Ministry of Defence has only followed the recommendation of Anomalies Committee/ Third Pay Commission recommendation, which is apparent from tenor of letters mentioned earlier, it cannot be considered discriminatory nor one can say that classification is not a reasonable classification.

(iii) So far as arguments in respect of arbitrary/ discrimination is concerned, in classifying and categorising Tailors from other different trades because the trade of Bootmakers, Carpenters Painters were upgraded, the said trades involved different process and nature of work. They cannot be equated with Tailors. The two jobs are different. They are no per-se discriminatory. Therefore, it is held that the applicants have failed to establish discrimination with the jobs of Boot makers, Carpenters and Painters.

(iv) The learned counsel for the applicants, in support of their contention cited decision of OA 158/1994 : Niripendra Mohan Paul (supra), wherein Gauhati Bench of Central Administrative Tribunal held that Tailoring job in Ordnance Department of Army was skilled and relief was given to the Tailors on that basis. That case was decided before any clarification could be given by Army Headquarters for correcting the mistake. The case was decided without a plea of mistake being there, as well as, for want of further clarification of Army Headquarters. In other words, it was decided before present clarification of Army Headquarters in they year 1998 wherein according to order cited before us, the allegation made in OA was that Tailoring job in Ordnance Factories is skilled job, which was not denied by respondents in that case. In absence of above aspect, which is weighing with us, the applicants cannot be given any benefit. Even if facts of some case being Tailors is there, no benefit can be given to applicants when above position stands clarified before this Full Bench and we hold that the pronouncement of that case is not a good law. The Learned Counsel has also pointed out that the Judgment was upheld by the Supreme Court of India by dismissing the Special Leave Petition of Respondents on merits. The special Leave Petition has been dismissed by a non-speaking order. As observed earlier, a non-speaking order of Apex Court is not a law declared by that Court and, therefore, the applicants do not get any benefit out of it.

(v) Another case relied upon is of Ranjit Singh & Ors. Vs. Union of India & Ors. (supra). It is in respect of Tailors of M & G wherein the relief has been granted to applicants by a Bench of Central Administrative Tribunal at Chandigarh.

The relief has been granted relying upon case of Piripendra Mohan Paul (supra), which we are constrained to hold that it did not lay down good law. The applicant do not get benefit out of this case also."

In the instant case applicants have sought the following relief(s) :

" It is most respectfully prayed that the Tribunal be pleased to allow this application and direct the respondents to pay the skilled grade of Tailor w.e.f. 16.10.1981 in the pay scale of Rs.260-400 revised to Rs.950-1500 w.e.f. 1.1.1986 and Rs.3050-4590 w.e.f. 1.1.1996 with such other increase in the said scale."

2. We have applied our mind to the facts given in this case as well as the judgment referred to by the respondents' counsel and find that the question raised by the applicants has already been decided by the Full Bench of the Tribunal, We respectfully agree with the said decision. Once Full Bench has decided that these are policy matters which cannot be interfered by the Court/Tribunal, we do not think, any further deliberation is called for in this case. Since applicant's whole case is based on the judgment given by the Guwahati Bench of the Tribunal, there is no merit in the O.A.. The same is accordingly dismissed with no order as to costs.



Member J



Member A

Brijesh/-