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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration (TA) no. 1055 of 1986
(Suit No. 544/83)
Babbudin and others.plaintiffs.
applicant.

Versus

Union of India Defendant
Respondent.

Hon'ble D.S.Misra, A.M.

Hon'ble G.S.Sharma, J.M.

(Delivered by Hon'ble D.S.Misra)

This is an Original Suit no. 544 of 1983 which was pending in the court of V Addl. Munsif Kanpur and has come on transfer under Section 29 of the A.T. Act XIII of 1985. The plaintiffs' suit is for declaration that the designation of harness workers assigned to the plaintiff is illegal and ultra vires and they are tailors in the revised scale of pay of Tailor-B effective from 26.10.1981 with all benefits from the date of revision thereof.

2. The case of the plaintiffs is that they are employed in Ordnance Equipment Factory Kanpur as harness workers since the year 1963; that in the year 1970, they were redesignated in the identical scale of pay as rope splicer by the General Manager of the said factory; that in the year 1972, their services were transferred to heavy textile section and they were redesignated as tailor-B; that they have been performing the duties of Tailor-B since 1972 and paid as piece work wages; that the plaintiffs

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have been transferred to SDR section w.e.from 11.4.1983 in an illegal manner because they had demanded the regular scale of pay of Tailor B; that the basic scale of the post of Tailor B has been revised from Rs.210-290 to Rs.260-450 vide order dated 26.10.1981 but the plaintiffs have not been given the benefits of the above mentioned scale of pay, whereas the same benefit was extended to three other workers who were also designated rope splicer like the plaintiffs, who were doing the same job as the plaintiffs; that ^{after} their transfer to SDR section the plaintiffs have been subjected to do the work of harness workers in an illegal manner; that the cause of action arose on 26.10.1981 when the basic scale of Tailor B was revised but not given to the plaintiffs and again on 6.1.1983, ^{When} ~~when~~ notice under Section 80 CPC was served on the defendants.

3. In the written statement filed on behalf of the defendants, it is stated that in the year 1972, the plaintiffs were transferred to the Heavy Textile Section and received piece work wages at par with tailors with identical basic scale of harness workers and that they were engaged in the stitching job done by both harness workers and tailors; that the three persons mentioned in the plaint were initially appointed on the post of tailor and thereafter redesignated as rope splicer and subsequently transferred back to their original post of tailor w.e.from 2.1.1978 in the basic scale of Rs.210-290; that the plaintiffs who were initially appointed as harness workers were redesign-

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ated to their original post of harness workers in the identical basic scale of Rs.210-290; that the plaintiffs having been deprived of any revised basic scale of pay of Tailor B, they were not entitled for redesignation from harness workers to Tailor B; that while posted in Heavy Textile Section, the plaintiffs had worked as tailors and that they were paid wages at par with tailors, but they were holding the post of harness workers identical to that of Tailor B. After the amendment of the plaint, the defendants filed an additional written statement, in which it is stated that the basic scale of harness workers has been revised from 210-290 to 260-400 w.e.f. 15.10.1984.

4. We have heard the arguments of the learned counsel for the parties and we have carefully perused the documents on record. The facts narrated above indicate that the dispute between the parties is with regard to the revision of the scale of pay of the plaintiffs w.e.f. 16.10.1981 to 14.10.1984, the date from which the plaintiffs have been given higher scale of pay Rs.260-400. The plaintiffs have filed various photo copies of identity cards issued to them extending from the year 1970 to the year 1982. The issue of these identity cards has not been denied by the defendants. However, learned counsel for the defendants argued that the mere issue of the identity card does not establish the correct designation of the plaintiffs. Plaintiff No.1's identity card dated 18.12.1980 states that he was working as Tailor-B. The identity card of plaintiff no.2 (Raja Ram) dated September, 1982 also states his status as Tailor.

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B, identity card of Saukat Ali is not legible but it is claimed by the plaintiffs that this card also indicates his designation as that of tailor-B. Regarding plaintiff no.3, it is stated that he has retired and his identity and family card have been withdrawn by the employer.

5. We have considered the contentions of the parties and we are of the opinion that the identity card filed in respect of plaintiffs nos.1, 2, and 4 is a reliable evidence in support of the contention of the plaintiffs that they were actually employed as Tailor B under the defendants since 1972. It is also established that prior to 16.10.1981, the scale of pay of tailor B and harness workers was the same, i.e., Rs.210-290. The scale of pay of Tailor B was revised w.e.f. 16.10.1981 and that of harness workers w.e.f. 15.10.1984. The transfer of the plaintiffs from the Heavy Textile Section to the S.D.R. Section appears to have been done with a view to deny the revised scale of pay of Tailor B to the plaintiffs. We accordingly hold that the transfer of the plaintiffs to SDR section as harness workers in the scale of pay lower than that of Tailor B was illegal and is therefore, held to be void. We also hold that the plaintiffs were entitled to the grade of Tailor B (Rs.260-450) w.e.f. 26.10.1981 with all consequential benefits.

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The suit is decreed. Parties shall bear their own costs.

15/11/80
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A.M.

J.M.
J.M.

JS/ 25.4.1988