

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH-ALLAHABAD.

T.A. No. 1063 of 1986.
(O.S. No. 1408 of 1984).

Sri Kesar Das & others..... Applicants.

versus

The Union of India & one another..... Opp. Parties.

Hon'ble Mr. Justice U.C. Srivastava-V.C.
Hon'ble Mr. K. Obayya - Member (A).

(By Hon'ble Mr. K. Obayya - A.M.)

The above described suit has been received in this Tribunal by way of transfer under Sec. 29 of the Administrative Tribunals Act, 1985. The plaintiffs numbering 29 are all employed in the Ordnance Equipment Factory, Kanpur and in this suit they have prayed for a decree of declaration that they are entitled for promotion on the posts of Supervisor ^{with} retrospective effect from the date of promotion of their juniors and for a direction for their promotion with all consequential benefits.

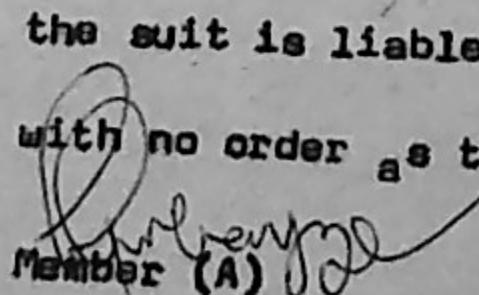
2. The plaintiffs, whose initial appointment was on the post of Tailor 'B' in due course were promoted as Tailor 'C' and thereafter they were put on the posts of Examiner. The case of the plaintiffs is that the next higher post for promotion is that of Supervisor, for which examiners are also eligible; they have passed the trade test and all processes for their promotion were completed, notwithstanding this and their continued good work, they were bypassed and their juniors working in the Tailor Grade were promoted. They represented to the authorities pointing out the anomalies, but to no effect. The plaintiffs alleged discriminatory and unequal treatment on the part of General Manager (Defendant no. 2) in that while Tailor 'A', Tailor Mistri 'A' were given promotion as supervisors, Examiners are kept out. Plaintiff's claim their promotion is on the basis of seniority and eligibility having passed the trade tests.

3. The defendants contested the suit and in their written statement, it is pointed out that prior to 1.1.1973 there were

four grades of Tailors known as A, B, C & D on different scales of pay. After 1973 C & D grades were merged with Grade 'B' and in 1981, there was further merger by which only one grade namely grade 'A' came to exist. Grade 'A' is a highly skilled grade, and those in the Tailor Grade 'A' was eligible for promotion to the next grade of Supervisor. In the case of the plaintiffs it is stated that they opted for the posts of examiners on their own accord after 1.1.73, accordingly they were posted as junior examiner. The channel of promotion for junior examiner is different from that of Tailor. The post of Examiner is semi-skilled while Tailor 'A' is highly skilled post and Supervisor post is still further up. There cannot be a jump from semi-skilled to Supervisors' posts skipping skilled and highly skilled grades. The defendants deny that there is any trade test for promotion as Supervisor. The allegations of malafidies, discriminatory treatment are denied. According to defendants, the posts of Examiners and Tailors are not comparable, they are of different cadres with different channels of promotion.

We have heard the counsel for the parties. We have also carefully examined the record. So far as the facts of the case are concerned, there is not much dispute. Evidently the plaintiffs were senior to the Tailors mentioned in para 3 of the plaint. The seniority position ceased to be of any relevance once, the plaintiffs opted for examiners line and were appointed as Junior Examiners. It would appear at that point of time, the grades in the Examiner Line were more attractive than those of the Tailors grade. There were as many as four grades in Examiner Grade i.e. selection grade Examiner on scale 380 - 560, Examiner Grade-I on scale of Rs. 320 - 400, Grade II on scale 260 - 350 and Junior Examiner on scale 210 - 290, while there were only two grades of Tailors i.e. Grade 'A' and 'B' on scales 260 to 350 and 210 - 290. The plaintiffs by opting to the Examiners Line, were eligible

for the highest grade i.e. 380-560 in that line. Further it would appear that consequent ^{two} merger of Grades in the Tailors line only one grade i.e. 'A' Grade came to exist and those in the Tailors Line received promotion according to availability of the vacancies in the higher grades. From the record it is borne out that the Examiners cadre and Tailors cadre are different and the channel of promotion is also different. May be the examiners are also required to be qualified in tailoring, but the duties and responsibilities of these two cadres are different. The junior examiner is required to receive raw material, Supervise production , maintenance of wage records and record of production. The tailors on the other hand are required to provide design inputs, cutting, stitching and finishing of the material. Undoubtedly the work of the tailors is more arduous in nature as physical stamina and skills of higher nature are called for. The Tailors grades are categorised as skilled and highly skilled while the Examiners are in Semi-skilled category. The Examiners presumably look after production management while the tailors are engaged in production activities. The department has categorised these cadres as Semi skilled and highly skilled etc. on an analysis of a technical and other skills required for the job. We cannot go into that aspect. The post of Supervisor is high up and it is open only to those in the tailors grade. The Examiners can look for promotion in their own channel. The Examiners and Tailors constitute the different cadres with different channels of promotion. In these back ground of the matter, we are of the view that there is no merit in the case of the plaintiff who ~~had~~ on their own opted to go to the Examiners line and have been appointed as Junior Examiners and they were only eligible to be promoted in that line. We do not see any merit in the case and the suit is liable to be dismissed, Accordingly it is dismissed with no order as to the costs.


Member (A)

Dt: 29.5.1992.
(DPS)


Vice Chairman.