

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH, ALLAHABAD

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Allahabad : Dated this ^{February} 7th day of January, 1996

Transfer Application No. 1890 of 1987

IN

Civil Misc. Writ Petition No. 262000F 1985

District : Kanpur

QUORUM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Bhartiya Pratiraksha Mazdoor Sangh,
2, Navin Market, Kanpur, through its
General Secretary, Sri Girish Awasthi,
son of Sri Shiva Dayal Awasthi resident
of 2, Navin Market, Kanpur,
(By Sri R.C. Sinha, Advocate)

..... Petitioner

Versus

1. Union of India, through its Secretary,
Ministry of Defence, Department of Defence
Production, Government of India, New Delhi.
2. Chairman, Ordnance Factory Board,
Ministry of Defence, Government of India,
10-A, Auckland Road, Calcutta.

(By Sri NB Singh, Advocate)

..... Respondents

ORDER

By Hon'ble Mr. S. Das Gupta, A.M.

Bhartiya Pratiraksha Mazdoor Sangh (BPMs for short) had filed, in its representative capacity, a writ petition before the Hon'ble High Court of Judicature at Allahabad, agitating the grievance of certain industrial workers in the Ordnance Factories. This writ petition was subsequently transferred to this Tribunal and was numbered as T.A. No. 1890 of 1987. The case of the applicant is that the workmen belonging to the trade of Millwright, who were graded as Millwright 'A' in the highly skilled Grade II of Rs.320-400, later revised as Rs.330-480, have not been upgraded as highly skilled Grade I, although the workmen belonging to another trade viz. Jig Borer were given such benefits. It has been prayed that a direction be issued to the respondents to revise the pay scale of Millwright 'A' to that of Rs.380-560 as was done for Jig Borer 'A' with retrospective effect and to give all consequential benefits of promotion etc. after such revision of scale of pay.

2. It has been stated that one of the trades of the industrial workers in the Defence Factories is that of Millwright. Such workers are engaged in repairing of and making alterations to machineries, boilers, engines and process plants. For appointment to the trade of Millwright 'A' an individual having minimum qualification of High School pass has to

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appear for a written test, interview and medical examination conducted by different Ordnance factories. After passing of these tests, the candidate would be inducted as a trainee for undergoing trade apprenticeship course conducted by the Ordnance Factories Board for 2½ years. After passing the specialised course the trainees are appointed as Millwright 'A' in the highly skilled grade II of Rs.320-400, which was revised as Rs.330-480 w.e.f. 16-10-1981 after publication of Expert Classification Committee report (ECC for short). It is further stated that those trainees who could not pass the examination after completing the training course are given one more chance to to pass the test but if they fail again, they are appointed as Millwright 'B' in lower scale of pay of Rs.260-350 later revised to Rs.260-400.

3. It is further stated in the petition that the individuals who opted for the trade of Turner are required to undergo only three years training as trade apprentice and 2½ years course as skilled Craftsman Training. Some of those who opted for the trade of Turner, and who qualify in SCT Course are posted as Jig Borer 'A' in the highly skilled Grade having a pay scale of Rs.330-480.

4. It is further case of the applicant that after successive pay commission's recommendations, the pay scale of the Millwright 'A' and that of Jig Borer 'A' had remained identical. An ECC^{was appointed by the} appointed by the

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Government pursuant to the recommendations in this regard by the 3rd Pay Commission. The task of this Committee was to fit the industrial workers in an appropriate pay scale after applying technique of job evaluation. The committee submitted its report in January, 1979 and based on its recommendations the Government Order dated 16-10-1981 was issued for fitment of the industrial trades/grades into five scales of pay. The pay scale of both, Jig Borer and Millwright 'A' was shown as Rs.330-480 in the said Government Order. However, subsequently an Anomaly Committee was appointed by the Government to remove various anomalies which had been arisen as a result of the implementation of the ECC recommendations. This committee submitted its report in 1983 and based on its recommendations the Ministry of Defence issued its order dated 17-10-1983 and the Ordnance Factories Board issued order dated 13-1-1984 implementing the orders contained in the aforesaid order dated 17-10-1983. In accordance with these orders the pay scale of Jig Borer 'A' was revised from Rs.320-480 to the grade of Rs.380-560 in the highly skilled Grade I. In the trade of Millwright, the pay scale of the Millwright 'B' was upgraded from Rs.260-400 to Rs.330-480 but the pay scale of Millwright 'A' remained unchanged. Thus, both the Millwright 'A' and Millwright 'B' were placed in the same scale of pay of Rs.330-480 whereas the pay scale of Jig Borer 'A'

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which had all through been equivalent to that of Millwright 'A' was upgraded to Rs.380-560. The grievance of the Millwright 'A' is that while earlier they were equivalent to Jig Borer 'A' for further promotion, they have now become junior to them as a result of which their promotional prospects have been adversely affected. They are also aggrieved by the fact that the Millwright 'B' has been given the same scale of pay as Millwright 'A' and thus both the grades have been merged into one scale of pay arbitrarily.

5. It has been stated that the Millwright 'A' are superior to Jig Borer 'A' both in terms of skill and the period of training. They should, therefore, be given at least the same scale of pay as Jig Borer 'A'.

6. The respondents have filed a counter affidavit stating that ECC had evaluated the work of each trade/grade and awarded certain point score to each job after taking into consideration various factors such as requirements of skill, nature of machines to be operated, hazard of work and other relevant factors based on which each trade/grade's fitment on an appropriate pay scale was recommended by the ECC. During such evaluation the two recognised Federations were associated as their representatives were members of ECC. However, the Applicant Federation was not associated as it was not a recognised Federation. It has been denied that the Millwright 'A' are in any way superior to Jig Borer 'A'.

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7. The applicants have filed rejoinder affidavit, confirming the contentions made in their OA.

8. We heard the learned counsel for both the parties and perused the record. The learned counsel for the applicant also filed a written brief.

9. On carefully perusing the averments, it would appear that the ECC has done a job evaluation in respect of each trade and grade including the grades in the trade of Millwright and Jig Borer. The ECC had recommended fitment of the jobs in nine scales of pay. The Govt. examined the report of the ECC and while agreeing with the job evaluation done and the points score awarded to each job, had decided that the number of scales of pay should be restricted to five. Accordingly, the cut off points for fitment into various scales as recommended by the ECC were modified on the basis of mid point of the points range given by the ECC and thereafter each job was allotted to a particular scale of pay on the basis of the points scored. It appears that in this manner of implementation of the recommendations of the ECC, certain anomalies arose and this necessitated constitution of Anomalies Committee to remove the specific cases of anomalies. It appears that based on the report of the Anomalies Committee, the impugned upgradation of Jig Borer 'A' and Millwright 'B' had taken place. It appears from the perusal of the Anomalies Committee report which is made available to us by the learned counsel for the applicant that amongst various points considered by this committee was the

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question of lower pay scale assigned to certain jobs inspite of high points score. It would appear that the upgradation of Jig Borer 'A' and Millwright 'B' was as a result of removal of this anomaly. The committee also re-evaluated certain jobs but these two jobs were not amongst those jobs re-evaluated. Basically, therefore the pay scale finally allocated to the Jig Borer 'A' and Millwright 'A' were determined by the points score given by the ECC.

10. In the recent judgement of the Hon'ble Supreme Court in the case of S. Thiruvalluvan and Others vs. Union of India and Others connected with Defence Employees Union and Others vs. Union of India and Others reported in (1995) 31 Administrative Tribunals Cases 196, it has been held that the fitment of jobs on the basis of points score given by the ECC after proper job evaluation cannot be termed as arbitrary. We need not go any further on this issue.

11. In view of the foregoing we find that this application lacks merit and is dismissed accordingly. There shall, however, be no order as to costs.

Dube/

J. Ahma
Member (J)

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Member (A)