

CENTRAL ADMINISTRATIVE TRIBUNAL,
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D.A.No. 951/89
connected with D.A. No.810/89

S.P. Sharma & Others ::::: Applicants
(D.A.No.951/89)

vs.

Union of India & Others ::::: Respondents.

R.K.Srivastava & Others ::::: Applicants
(D.A.No.810/89)

vs.

Union of India & Others ::::: Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon. Mr. K. Obayya, A.M.

(By Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicants, 49 in number, in D.A.No.951/89 and 11 in number in D.A.No.810/89, have approached this Tribunal against the orders of the Chairman, Ordnance Factory Board as well as the General Manager, Small Arms Factory, rejecting the representations filed by them who prayed:-

- 1) Upgradation of all the existing grades in the trade of Grinder.
- 2) The same benefits and advantages which were given to the applicants who have filed petition T.A.No.1248/86 and T.A.No.1361/86 before the C.A.T., Calcutta Bench.
- 3) To implement ^{the} judgement and order, in respect of the present applicants, as has been done in respect of the applicants who have filed the applications before the C.A.T., Calcutta Bench in the above mentioned petitions.

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The applicants have also stated that the benefits of the decision of the C.A.T., Calcutta Bench, have been given by the Jabalpur Bench of the Tribunal also, to the similarly placed employees who have filed the applications before Jabalpur Bench. The applicants prayer is that the Grinders Grade A & B, which are to be treated as equivalent to Grade-A of other trades, may be given the scale of highly skilled Grinder-II. The Grinder Sp. Grade may be treated to be equivalent to the highly skilled in other trades and should be upgraded to highly skilled Grade-I, and those who are at present in the grade of highly skilled Grinder may be treated as chargeman, Grade-II.

2. According to the applicants, the Grinders are working in the factory and all of them are entitled to the same benefit and it is the duty of the respondents to confer benefits to all and not to some employees only, because the others are also waiting for their turn to come, more so as all the employees of the ~~the~~ Factories are being governed by common service rules and common seniority list in the respective trade and grade and the recommendations made by the expert classification committee which was applied to all the factories has already been crystallised down by the Calcutta Bench of the C.A.T. vide its judgement dated 30-10-1987. Consequently the recommendations of the said Committee cannot be made applicable in the case of the applicants. The applicants have also challenged the validity of amendments of the rules known as recruitment and conditions of Service rules, Class II, Personnel Rule 1956, which cannot be suspended by any executive

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instructions, as has been done, according to them, in this case.

3. All these applicants were working as grinders in the small arms factory, Kanpur, in different grades. Some of them were working as highly skilled Grinders Grade-I, some of them as highly skilled Grinders Grade-II, and some of them as skilled grinders, as existing before and after the 4th Pay Commission report.

4. The respondents have opposed the claim of the applicants stating that the ministry of defence, based on the recommendations of the Third Pay Commission, appointed Expert Classification Committee to evaluate the job of the industrial employees and the Committee, after evaluation, submitted a particular report. Thereafter, the ministry in consultation with staff-side and departmental counsel, i.e. joint-consultative-machinery, fixed 'cut offpoints' of award of pay scale of each job and accordingly fixed the same. The Grinder Special Grade was equivalent to Turner-A, Fitter-A, Miller-A and Borer-A and similarly Grinder-A was equivalent to Turner-B, Miller-B, Fitter-B and Borer-B. The pay scales awarded to each job were correct and it was correctly done in pursuance to the recommendation of the Expert Classification Committee. The job specification of Grinder Grade-I and Grinder Special Grade is different. The pay scale as prescribed by the Govt. has been implemented by the ordnance factory. As such it is no longer open for the applicant to lay a claim. Similar matter has come up for the consideration before the Calcutta Bench of the Tribunal, relying on the judgement passed by the Calcutta High Court in

the case of Union of India Vs. Deb Kishore Chatterji and others in C.R. No.1836(W) of 1973 dated 14-7-75 held that there was no option but to strike down the factory order dt. 7-1-83 and order dt. 6-1-83 in that case. Now the simple question before us is as to whether the benefit of the decision of the Calcutta Bench and Jabalpur Bench is to be given to these applicants also.

5. We have heard the Counsels for the parties. There appears to be no distinguishing features of the applicants and that of the case decided by the Calcutta Bench of the Tribunal and also by the Jabalpur Bench, because they belong to the same category and grade. Accordingly this application also deserves to be allowed. As such a direction is being given to the respondents to give the same benefits to these applicants also as has been done by the Calcutta Bench of Tribunal. No order as to the costs.

Member (A)

Vice-Chairman.

Dated: 4th September, 1992, Allahabad.

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