

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 31st day of January 2000.

Hon'ble Mr. S. Dayal, Administrative Member  
Hon'ble Mr. Rafiq Uddin, Judicial Member

Original Application no. 951 of 1989

1. S.P. Sharma son of Sri A.K. Sharma  
resident of 165/6 Vijai Nagar, Kanpur.  
T.No. 05. (T.R)
2. Ram Naresh son of Sri G.Dass, resident  
of 214/12 Shastri Nagar, Kanpur, T.No. 145. (T.R)
3. Kader Nath son of Sri D.N. Rawat resident  
of 2/2 Begam Purwa, Ajit Ganj No.2, Kanpur  
T.No. 09. (T.R)
4. N.D. Singh son of Sri P.D. Singh, resident  
of 449 E.W.S. Awas Vikas Panki, Kanpur.  
T. No.51. (T.R)
5. S.B. Singh son of Sri J.P. Singh resident  
of 419/8 Shastri Nagar, Kanpur, T.No. 147. (T.R)
6. K.D. Shukla son of Sri Raghu Nathji Shukla  
resident of 189/3 Vijai Nagar, Kanpur, T.No. 40. (T.R)
7. S.P. Singh son of S.S. Singh, resident of  
61/336 Almapur Estate Kanpur, T. No. 12. (T.R)
8. R.N. Singh son of B. Singh, resident of  
19/3 Shastri Nagar, Kanpur, T.No. 23. (T.R)
9. Man Singh son of Sri Shri Chand, resident of  
30-B Bona 6. Kanpur, T.No. 107. (T.R)
10. F. Prasad son of Girdhari Prasad, resident of  
Block 494/5 Shastri Nagar, Kanpur, T.No. 120. (T.R)

11. B.P. Malhotra son of Sri H.K. Dass resident of 62/21, 7 Block, Govind Nagar, Kanpur, T.No. 95. (MAG)
12. Hari Ballabh son of T.R. Gupta, Resident of 208/12, Shastry Nagar, Kanpur, T.No. 248. (B)
13. R.C. Bhatia son of Sri Sant Ram Bhatia resident of 118/490 Kausalpuri, Kanpur, T.No. 156. (S.C.)
14. S.B. Chakravarti son of I.B. Chakravarti resident of Ty.II, 46 Anuapur Estate Kanpur, T.No.68. (T.R.)
15. P. Chand son of Sri Kishan Lal, resident of 73B/19 Daboli 2, Kanpur, T.No.10. (MAG)
16. Mewa Lal son of Sri Agnu Prasad, resident of 108/37 P. Road, Gandhi Nagar, Kanpur, T.No.69. (T.R.)
17. A.P. Bhatia son of Sri T.B. Bhatia, resident of 118/408 Kausalpuri, Kanpur, T.No.59. (S.C.)
18. Surjeet Singh son of Sri Sohan Singh, resident of 41/3 Vijai Nagar, Kanpur, T.No.57. (B)
19. Harbans Lal son of Sri Harish Chand, resident of Vijai Nagar, Kanpur, T.No.356. (B)
20. P.L. Singh son of Sri R.R. Singh, resident of 91/1 Vijai Nagar Kanpur, T.No.236. (S.C.)
21. Ram Ashrey son of R.D. Verma, resident of 127/631 Vinova Nagar Kanpur, T. No. 262. (S.C.)
22. M.N. Misra son of Sri U.C. Misra, resident of 119/130, Bamba Road, Kanpur, T.No.75. (T.R.)

23. B.P. Tiwari son of Sri H.P. Tiwari  
resident of 116/353 Rawatpur, Kanpur.  
T.No.77. (TR)

24. V.P. Singh son of Sri S.S. Singh,  
resident of 67A Kalyanpur, Kanpur.  
T.No.70. (MAG)

25. R.A. Pandey son of Sri J.N. Pandey  
resident of Bx 123/8, Shastri Nagar,  
Kanpur, T.No.4. (MAG)

26. Sayeed Ahmed son of Sri Alla Rukha  
resident of 63/69 Hartaus Mohal Kanpur,  
T.No.80. (TR)

27. C.B. Misra son of A.P. Misra resident of  
74/131 Dhankutti Dharamshala, Kanpur. T.No.295 (SC)

28. S.C. Sharma son of Sri G.L. Sharma,  
resident of GI/539 Armapur Estate Kanpur.  
T.No.35. (TR)

29. K.L. Rawat son of Sri M.R. Rawat, resident  
of 15/292 Civil Line Kanpur. T.No.16 (TR)

30. B.N. Dass son of D.N. Das, Ty.II 307/Armapur,  
Estate Kanpur, T.No.10. (TR)

31. R.C. Shukla son of S.N. Shukla, resident  
of 35/172 Bangali, Mohal. Kanpur. T.No.20. (TR)

32. M.L. Gupta son of Sri G.S. Gupta, resident  
of 74/161 Dhan Kutti Kanpur. T.No. 131. (TR)

33. J.B. Singh son of Sri Bhola Singh resident  
of Ty.II 315 Armapur Estate, Kanpur, T.No.128. (C)

34. Jogender Singh son of Sri Sarder Singh  
resident of 235/3, Shastri Nagar, Kanpur,  
T.No.36. (MAG)

35. S.S. Srivastava son of Sri T.S. Srivastava  
resident of 103/27 Cornelganj, Kanpur. T.No.293. (S.C)

36. A Siddiqui son of Md. Yasin, resident of  
43 Check No. 95/91 Amin Ganj Pared, Kanpur.  
T.No.57. (T.R)

37. R.K. Sahu son of M.L. Sahu resident of 103/299  
Cornel Ganj, Kanpur, T.No.28. (MAG)

38. Hukkum Singh son of Maiku Singh resident of  
H.No. 3, Bashayapur, Kanpur. T.No.129. (MAG)

39. P.L. Gupta son of Mahadev Gupta, resident of  
94 Bona 4 Janta Nagar, Kanpur, T.No.143 (S.C)

40. R.R. Sharma son of P.R. Sharma, resident of  
2/27 Safed Colony Dada Nagar, Kanpur, T.No.127. (MAG)

41. S.D. Misra son of B.P. Misra, resident of  
LIG 53, Ganga Ganj, Panki, Kanpur, T.No.74. (T.R)

42. R.K. Sharma son of B.S. Sharma, resident of  
7/116 Swarup Nagar, Kanpur. T.No.120. (T.R)

43. P.K. Singh son of Sri A. Singh resident of  
324/6 Shastri Nagar Kanpur, T.No.72. (T.R)

44. R.S. Misra son of Sri R.L. Misra, resident  
of 278/5 Joothilal Colony, Kanpur. T.No.94. (T.R)

45. Satya Nam. son of Falli resident of 542 Jasoda  
Nagar, Kanpur. T.No.109. (T.R)

46. R.N. Tiwari son of Sri Manfool Tiwari  
resident of 111A/377 Ashok Nagar, Kanpur,  
T.No. 328. (L.C.)

47. B.N. Singh son of Sri R.N. Singh resident  
of GI/557 Armapur Estate, Kanpur, T.No.36. (N.T.R.)

48. S.K. Srivastava son of Sri R.P. Srivastava,  
resident of GI/279 Armapur Estate, Kanpur,  
T.No.214. (L.C.)

49. Sudresan Kumar son of Sri Ram Chander,  
resident of 334/5 Shastri Nagar, Kanpur.  
T.No.14. (T.R.) .....Applicants.

C/A Shri V. Nath

Versus.

1. The Chairman Ordnance Factory Board,  
10-A, Auckland Road, Calcutta-700 001.
2. General Manager, Small Arms Factory, Kalpi Road,  
Kanpur.
3. Union of India, through Secretary, Ministry of Defence, New-Delhi. ....Respondents.

C/R Shri Ashok Mohiley

Alongwith

Original Application no. 810 of 1989.

1. R.K. Srivastava, Grinder Highly Skilled Gr. II
2. S.C. Rastogi, Grinder -A Grade
3. B.K. Dubey, Grinder A Grade
4. Ram Pyare, Grinder A Grade
5. Jagsish Singh, Grinder A Grade.
6. B.R. Singh, Grinder A Grade

7. R.A. Kushwaha, Grinder A Grade
8. B.B. Srivastava, Grinder A Grade
9. P.K. Awasthi Grinder A Grade
10. Chakan Singh, Grinder A Grade
11. S.K. Shukla, Grinder A Grade

All workmen of Small Arms Factory, Kanpur.

... Applicants

C/A Shri V. Nath / Shri R.C. Sinha

Versus

1. Union of India, through Sectetary Ministry of Defence, Govt. of India, New Delhi.
2. Chairman, Ordnance Factory Board, 10-A, Auckland Road, Calcutta.
3. General Manager, Small Arms Factory, Kanpur.

... Respondents

C/R Shri A. Mohiley

ORDER

Hon'ble Mr. S. Dayal, Member-A.

The applicant had filed separate QAs no 951 and 810 of 1989 seeking the same benefits as given by Calcutta Bench in the order dated 30.10.87 as they were similarly situated. Further prayer was made that Grinder 'A' and 'B' who were in these grades should be equated to grade 'A' of other trades and be given the pay scale of highly skilled Grade II and upgraded to highly skilled

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grade I and those grinders who were in the grade of highly skilled grade I were prayed to be treated as Chargeman grade II. These O.As were heard by the Tribunal and the order was passed based on the order of Calcutta Bench and Jabalpur Bench allowing the application and directing the respondents to give same benefits to the applicant as had been done by the Calcutta Bench of this Tribunal. The contention of the respondents that the recommendation of Expert Classification Committee after evaluation of the jobs of Industrial Employees, were considered by Ministry of Defence in consultation of the staff side and departmental council and cut off points of award of pay scale of each job were fixed by them equating grinder special with turner 'A', fitter 'A', grinder 'A' with turner 'B', fitter 'B' and borer 'B'. Hence the respondents had prayed that the claim of the applicant be rejected. The respondents preferred an appeal against order passed by this Tribunal in O.A. 951 of 1989 as also in OA 810 of 1989. The Apex Court in civil appeal no. 8109 and 8110 of 1995 allowed the appeals in both cases and directed the Tribunal to have a fresh hearing taking into account the law laid down by the Apex Court on identical question of law and facts in Civil Appeal no. 4961 of 1997 and 1944 to 496C of 1997 in judgment dated 21.07.97 allowing appeal against the order of Calcutta Bench in TA 1248 of 1986 and TA 1361 of 1986.

2. Persuant to the direction of the Apex Court giving time to the applicants to file review petition and to Calcutta Bench to decide the same on merits,

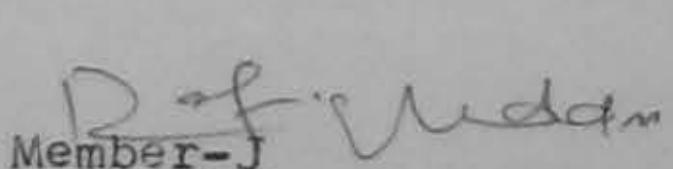
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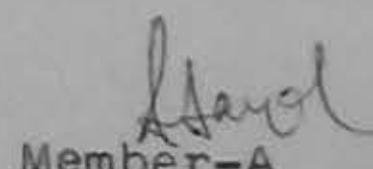
Calcutta Bench of Central Administrative Tribunal reviewed its order arising out of TA 1240/86 and TA 1361/86.

It took into consideration SROs 6E/60, 28E/73 and 357/79. It also went into details of recommendation of expert classification committee regarding 5 pay scales of industrial workers on the basis of point score and the point score given to grinder special, grinder 'A', grinder 'B'. They also took into consideration the circular dated 16.11.86 prescribing uniform designation for different pay scales. This exercise to merge scales led to those higher scale while in higher scale who had not scored number of points required to move to the next higher scale remaining in the same scale. Calcutta Bench in its review order dated 06.01.97 in RA 74 of 1991 found no disparity amongst the various trades during implementation of E.C.C. recommendations and found errors apparent on the face of the record in the impugned judgment. It recalled the impugned order dated 30.10.87 and dismissed TA 1361 and TA 1241 of 1986.

3. Since the order of this Tribunal in OAs 951/89 & 810/89 was totally based on impugned order of Calcutta Bench which has since been recalled in the review, we have considered reliefs claimed by the applicant in these 2 OAs which have been remanded to us by the Apex Court after orders in review passed. We concur with the finding of the Calcutta Bench in review petition number 74 of 1991 and dismiss the OAs as lacking in merits.

4. There shall be no order as to costs.

  
Member-J

  
Member-A