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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

O A No. 395 of 1990

J C Bajpai & others

...

Applicant

Versus

Chairman Ordnance Factory Board,
Calcutta & others

...

Respondent

Hon'ble Mr K Obayya - A M

Hon'ble Mr A K Sinha - J M

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

The applicants are "Grinders" of different grades working in the Ordnance Factory Kanpur. In this application, they have prayed for similar benefits as were given to other "Grinders" of sister units by the order dated 07 12 88 in compliance of the judgment of Calcutta Bench of the Tribunal dated 30 10 87 (Annexure A-4). They have also prayed for stepping up of their grade by one stage i.e. "Grinders 'A' and 'B' be treated as equivalent to the Grade 'A' and the "Grinders Special" treated as highly skilled Grade-I and "Grinders highly skilled" as chargeman Grade-II.

2- The Ordnance factories are production units under Ministry of Defence, with Chairman Ordnance Factories Board, Calcutta as their head; located in different parts of the country. The workmen in these factories consist of different trades such as "Grinder", "Millers", "Fitter", "Borer", "Turner" etc., Recruitment and Service Rules are common to all the factories. The workmen are categorised into grades; Semi-skilled, highly skilled Grade-II, Highly skilled Grade-I and promotion to higher posts at supervisory level, i.e. Chargeman.

is open to all trades. It is in this context question of equation of grades/trades, common seniority in the feeder posts ^{etc} ~~are~~ arose.

There was an Expert Classification Committee, Anamolies Committee which went in to various service matters, including work load, levels of skills required, classification of trades. The IIIrd Pay Commission recommendations also touched Pay structure and related issues,

3- According to the applicants "Grinders" trade had edge over other trades and it was considered as superior trades because of arduous nature of work and higher skills involved, and the post of "Grinder Special" was a post in the highly skilled category, from which promotions were made to supervisory posts, while there was no such category in other trades. But overlooking this aspect, common seniority list of 'trades' in the feeder category for promotions to charaman II Posts was prepared by adopting the criterion of pay Rs.175/- in pursuance of certain executive instructions in the year 1969 by which workers drawing pay of Rs.175/- were made eligible for promotion. Some of the employees who were aggrieved, challenged these instructions and filed writ petitions before the Calcutta High Court. The contention of the applicants in the writ petitions was that the instructions are contrary to the rules and as such they should not be followed and the rules of 1956 should be followed for making promotions.

High Court

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The bench went into various aspects of the matter, and allowed the cases. Following the above judgment, the respondents passed the order dated 07 12 88 (Annexure A-5) with regard to seniority, promotion and other service matter of the 'Grinders'. The applicants in this case before us represented to the authorities that since they are also 'Grinders' and they should be given similar benefits by applying the above judgment. Their representations however were rejected on the ground that the judgment is applicable only to those petitioners and not to others who are not parties.

4- Shri Yatindra Singh, learned counsel appearing for the applicants urged that the applicants are similarly placed as the workmen who have been given benefits of the judgment of the tribunal and denial of such benefit would amount to discrimination. His further contention is that the issue involved in this case stands settled by the Calcutta Bench, and as such the applicant's are entitled for the reliefs prayed.

5- Shri K C Sinha, learned counsel appearing for the respondents stated that categorisation of trades and promotion policy are all matters, which fall within the domain of executive discretion and competency and orders issued in administrative interests are not open to challenge. The learned counsel, however, did not deny of benefits given to 'Grinders'.

Bench

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Bench in T A No 1248/86 and T A No 1361/86 copies of which are on record. A bench of this Tribunal consisting of one of us (Hon'ble K Obayya- A M) considered similar matter in O A 951/89 and 810/89 and allowed the cases following the Calcutta Bench decisions. We are of the view that the case before us is squarely covered by the decisions of Calcutta Bench. We do not see any feature to distinguish this case. In the circumstances, we hold that the application should succeed. Accordingly, we direct the respondents to give similar benefits as were given to 'Grinders' in compliance of decisions of Calcutta Bench in T.As.referred to above. In case of applicant at Sl.No.72(Anant Prasad), who is no more, but is represented by his wife legal heirs, monetary benefits, if any, accruing to the deceased applicant may be given to them. The application is allowed as above with no order as to the cost.

Ashok Kumar Panigrahi
MEMBER (J)

Shri K. S. Panigrahi
MEMBER (A)

DATED: 25/6/93

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