

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH,
ALLAHABAD.

Dated This The 18th March, 1997.

CORAM: Hon 'ble Dr. R.K.Saxena, JM.,
Hon 'ble Mr. D.S.Baweja, AM..

ORIGINAL APPLICATION NO: 154 of 1992.

1. Mohd Aslam, 430/TM,
Son of Sri Hazi Mohd. Hussain,
25.11.83.
2. Dinesh Chandra Vishwakarma, 844/TM.
son of Sri Kali Shanker Vishwakarma
6.10.83
3. Ram Nath Dwivedi, 554/TM.
Son of Sri ~~kak~~ Jata Shanker Dwivedi,
25.11.1983.
4. Vinod Kumar Mishra, 518/TM.
son of Sri Babu Prasad Misra,
25.11.83.
5. Devendra Kumar Pandey, 800/TM.
son of Sri Chandrika Prasad Pandey,
25.11.1983.
6. Santosh Kumar, 80/TM.
Son of Sri Jagdeo Singh,
6.10.83.
7. Aditya Kumar Sharma, 810/TM.
son of Late Ram Gopal Sharma,
6.10.1983.
8. Raj Narain Tiwari, 802/TM.
son of late Sri Dwarika Nath Tiwari,
25.11.83.
9. Mohd Isa, 119/TM.
son of Late Mohd. Ismaile,
6.10.1983.
10. Mohd. Ayyub, 815/TM.
son of Mohammad Ismaile,
6.10.1983.
11. Brichh Raj, 499/TM.
son of Sri Sriram,
25.11.83.

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12. Ranjeet Kumar Srivastava, 556/TM.
son of Sri Ramendra Kumar Srivastava,
25.11.83.
13. Dwarika Prasad, 804/TM.,
son of Sri Mishri Lal,
25.11.1983.
14. Rajman, 783/TM.
son of late Sri RamSamujh,
19.12.1983.
15. Sant Kumar, 88/TM.
son of Sri Bachchan Lal Verma,
6.10.1983.
16. Subhash Chandra Srivastava, 495/TM.
son of Sri Kailash Chandra Srivastava,
25.11.1983.
17. Prabhat Kumar Gupta, 916/TM.
son of late Sri Babu Lal Gupta,
19.12.1983.
18. Rajendra Prakash, 905/TM.
25.11.83.
19. Ajai Kumar 809/TM.
son of Sri Ram Balak Sinha,
6.10.1983.
20. Raj Kumar, 818/TM.
son of Sri Mohan,
6.10.83.
21. Arvind Jayaswal, 368/T.M.
son of Sri Ram Kishan Jayaswal
21.10.1983.
22. Sabhajit Ram 587/T.M.
son of Sri Chhatthu Ram.
2.2.1984.
23. Prem Nath, 559/TM.
son of Sri Dukhanti Lal,
25.11.1983.
24. Gyan Prakash Bajpai 1921/HT.
son of Sri Devi Prasad Jaiswal,
25.11.1983.
25. Gyanendra Kumar Sahu, 1912/H.T.
son of Sri Ram Sewak Sahu,
25.11.1983.

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26. Mohd. Islam, 122/LT.
son of Sri Mohd. Lucma.
25.11.83.
27. Govind Kant Awasthi 813/T.M.
son of Late Sri Jaggan Nath Pd Awasthi,
6.10.1983.
28. Anand Kumar Awasthi 776/T.M.
son of Sri Daya Shanker Awasthi.
5.10.83.
29. Prakash Narayan 756/T.M.
son of Sri Mata Prasad.
19.12.83.
30. Rakesh Agnihotri 1083/H.T.
son of Sri Chandra Bhan,
1.12.83.
31. Sant Lal 1006/H.T.
son of Sri Shiv Narayn
25.11.1983.
32. Pram Lal Kureel 573/TM.
son of Sri Ghassetey Lal
26.11.1983.
33. Beta Lal 1056/H.T.
son of Sri Nand Kishor Kushwaha
6.10.83,
34. Sri Krishna Kant 454/TM.
son of Sri Bhagwati Prasad Verma,
25.11.1983.
35. Gopal Krishna 177/TM.
Son of Sri Babu Ram Sharma,
6.10.1983.
26. Jitendra Nath Srivastava, 42/T.M.
sonof Sri Nanak Prasad Srivastava,
6.10.1983.
37. Bhisma Paread, /TM.
sonof Bholu Ram
6.10.1983.
38. Mahesh Kumar, 72/TM.
son of Sri Shiv Prasad Nigam,
6.10.83.

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39. Nazim Husain 1085/HT.
son of Sri Manzoor Hussain.
25.11.83.
40. Udai Raj Yadav, 1915/H.T.
son of Sri Indra Dev Yadav
25.11.83.
41. Rajesh Kumar - 801/T.M.
son of Sri Kawaleshwar Prasad,
25.11.83.
42. Pranvir Arya 1923/H.T.
son of Sri Ram Buharat,
19.12.1983.
43. Shiv Bhajan. 591/T.M.
son of Sri Triloki Prasad
2.2.84.
44. Pram Shanker Pal.
son of Sri Babu Lal Pal
19.12.83.
45. Arun Kumar
son of Sri Kishna Lal,
6.10.83.
46. Jagdish Prasad 803/T.M.
son of Sri Babu Lal
25.11.83.
47. Dilip Kumar Srivastava, 558/T.M.
son of Sri Krishna Lal Srivastava.
25.11.83.
48. Parmeshwar Lal Jayasawa, 119/LT.
son of late RamBali Prasad,
25.11.1983.
49. Ahasan Husain. 552/T.M.
son of Sri Attab Husain
25.11.0083
50. Rajesh Mishra, 1907/HT,
son of Late Sri D.N.Misra,
25.11.83.
51. Pramod Narayan Tiwari, 12/OA, &xxi-
Sri Satya Narayan Tewari.
25.11.1983.

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52. Pradeep Kumar Singh, 2029/H.T.
son of Sri Hari Shanker Singh,
6.0.83.

53. Guru Narayn. H.T.
son of Sri Maku Lal
6.10.83.

54. Narendra Kumar, 1050/HT.
son of Sri Basant Kumar,
25.11.83.

All posted in Ordnance Equipment
Factory, Civil Lines, Kanpur.

... APPLICANTS.

V E R S U S.

1. Union of India through
the Secretary, Ministry of Defence,
Govt of India, New Delhi.
2. The Additional Director General,
Ordnance Factories (OEF Group),
Sarvodaya Nagar, Kanpur.
3. General Manager,
Ordnance Equipment Factory,
Civil Lines Kanpur.

.. .. RESPONDENTS.

1. Counsel for the applicant,
Sri B.N. Singh, Advocate.
2. Counsel for the respondent,
Sri Amit Sthalekar.

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ORDER (ORAL).By. Hon'ble Dr. R.K. Saxena, JM..

This O.A. has been filed by 54 persons with the prayer that the respondents be directed to place the applicants on the posts of skilled tailors from the date of completion of two years' service on the posts of the semi-skilled tailors. The seniority and the increments in the pay scale ~~of~~^s skilled tailor is also sought.

2. Briefly stated, the facts of the case are that the applicants had undergone three years' training in the trade of tailoring and had obtained certificates of the National Council of Technical & Vocational Training. They were afterwards given appointments on the posts of tailors in the pay scale of Rs210-290/-. The dates of the appointment of the applicants are given against their names in the beginning of the O.A. It appears that mostly the applicants were given postings in the months of October, 83, November, 83 or December, 83. The applicant Nos. 22 and 43 were given posting in February, 84. The case of this applicant is that while they were working as Tailors in the Scale of Rs210-290/-, the circular Annex-AI dated 15.10.1984 was issued with respect to the upgradation of various categories of the semi-skilled workers. It was mentioned in the said circular that those semi-skilled Workers who had completed minimum of three years service in the grade of Rs210-290/- had passed ^{trade test} and would ~~continue for a period of 2 years whereafter~~, they would be given skilled grade of Rs 260-400/-. The applicants have filed rejoinder affidavit reiterating the facts where were mentioned in the O.A.



3. We have heard Sri B.N.Singh, Learned counsel for the applicants and Sri A.Sthalekar, Learned counsel for the respondents.


4. It is quite clear from the circular dated 25.4.1985 which has ^{been} brought on record as Annex-CA3 by the respondents that the tailor trainees were inducted initially in the semi-skilled grade of Rs210-290/-². On completion of the training of 2 years, ^{they} were required to be placed in the higher grade of Rs260-400/-². As a matter of fact the case of the applicants is governed by this circular and not by Annexure A-I. Various trades have been disclosed and the trade of ^{tailoring} does not find place therein. The circular dated 25.4.1985 deals exclusively with the tailors of three categories viz: B.C.& D. It is ^{unnecessary} ~~material~~ as to whether the ^{number} ~~number~~ of documents have been brought on record either by the applicants, or by the respondents. ² We have to decide the issue and we find support from the circular dated 25.4.1985 filed by the respondents. There is absolutely ^{ambiguity} ~~ambiguity~~ in the circular which has been issued by the respondents themselves. It is strange that the said circular was not given effect ² ~~to~~ by the respondents so far as the applicants were concerned. We are trying to find out the reasons through the averments made in the Counter affidavit, but it is also found confusing. As is mentioned above, the respondents themselves have admitted at one place that the applicants were entitled for the benefit but ^{the} same could not be given because 96 promotees were going to be adversely affected. It appears that the respondents were not prepared even to give the right which was ^{acquired} by the applicants. In our opinion, the ^{implementation} ~~implementation~~ of the circular dated 25.4.1985 should have been made and the applicants who were no doubt given higher grade in the year 1996, should

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have been given promotion soon after completion of 2 years' training. Exact date may be calculated by the respondents after going ^{through} ~~to~~ the records of the case on the basis of the date of appointment given by the applicants. We find that they were eligible for the higher grade starting from October, 1985 ² ~~2~~ ending February, 1996.

5. In view of the above discussions, we direct the respondents that the applicants should be given higher grade of Rs 260-400/- of skilled tailors which is also known as Skilled grade on completion of 2 years of training. Their consequential benefits including the promotion and seniority, increments may also be determined and given to them within a period of 6 months. The O.A. is disposed of accordingly. No orders as to the costs.


MEMBER (A)


MEMBER (J).

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