

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

O.A.No. 345/92

Prabha Nath.....

.....Applicant

Versus

Union of India and others.Respondents.

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

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

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

As the pleadings are complete the case is being disposed of finally.

2. The applicant has prayed for setting aside the trade test result and the order of promotion dated 27.7.90 of the overseers (skilled) on the post of overseers (Line Mistry (Highly skilled) to the extent of promotion which is legally admissible to them and promotion to the post of Book Binder (Line Mistry) Highly skilled II in the pay scale of 1200-1800 with effect from 27.7.90 and skilled grade order be given with effect from 16.10.81 to 14.10.84 as per orders of the Supreme Court in writ petition no. 40/91. According to the applicant the Ordnance Factory Board upgraded and allowed the scale of 1200-1800 to him with effect from 15.4.81. In view of the said reference he became entitled to the category of the skilled pay with effect from 16.10.81. Since the scale of overseers was not upgraded the Ordnance Factory Board had issued the order for clubbing of the trades. In the Supreme Court decision reliance has been placed in the Examiner Association of Ordnance Factory Moradnagar Vs. Union of India in W.P.No. 40/1991 decided on 31.7.91 in which the respondents were directed to verify the service records of these applicants by upgrading the applicants from 16.10.81 in the grade of 260-400 with effect from that date those who

were in a position on 16.10.81. In the semi skilled he will be entitled to the scale of 260-400. The Government orders issued based on the recommendation of the Expert Classification committee, the existing Book Binders were declared as skilled in the scale of 260-400 with effect from 15.10.84. The trades of overseers and Book Binder were not affected by the Guha Committee recommendation. Some of the trades not affected by Guha Committee Recommendation were clubbed together by Ordnance Factory Board for the purpose of promotion. Despite Supreme Court's decision the applicants have been discriminated of the seniority of the Book Binder and have been badly affected to lose the promotion to which they were entitled. The Guha Committee recommendation contained instructions of the respondents of which no approval have been received. The trades not affected by the Guha Committee recommendations, were also clubbed together for the purpose of viability of promotions. The clubbing or seniority could not have been made dependent upon it. The post from one trade to another group could be transferred but this can be done by the General Manager only. The respondents have stated that the applicant started as labourer 'B' and has not stated the correct facts that after recommendation of the Expert Committee the existing Book Binders were declared as skilled on 15.10.84 in the pay scale of 260-400 and their seniority in the skilled Book Binder for promotion to the highly skilled Grade II was recorded on 15.10.84 and the skilled overseers were upgraded with effect from 16.10.81 and both these grades of Book Binders were not affected by the Guha Committee recommendation. The Ordnance Factory Board vide letter dated 17.8.89

forwarded a draft re-allocated sanctions trade/ gradewise for the Ordnance Equipment Factory after rationalisation of Trades/Grades structure in terms of Ganga Committee recommendation. The clubbing of the trades of overseer/Book Binder was maintained by this Factory and it was based on this draft re-allocated sanction trade/gradewise and revised sanction was prepared on the basis of the strength of IEs. It was said that the said Ordnance Factory Board started to ~~not~~ operate promotions thereon based on revised sanction. In view of the clubbing and common sanction promotions in these grades are being given on combined seniority of the IEs of particular grade in these two trades. According to the respondents the judgment of Supreme Court is not applicable to the case of petitioner who were not entitled for the grant of Higher Grade II on 16.10.81 and it is they who were to be upgraded and according to the applicant he claimed himself to be a separate category and not amongst skilled category to which all these persons belong. In so far as the clubbing is concerned merger of cadre can be the same. It is always open for the Government to **club two** such categories but after clubbing the criteria or quota based for ~~upgrade~~ promotion or seniority is to be evolved. The applicant has averred that he was in the pay scale of 210-490 and as such he was entitled to the benefit of Supreme Court decision. The applicant has stated in the first para that he was appointed as Book Binder with effect from 2.10.90 but the respondents refuted this allegation and stated that he was appointed in the scale of 70-85. He was promoted to the

post of Book Binder only on 26.60 in the pay scale of 200-290 and after clubbing up he was declared as Book Binder in the pay scale of 260-400. Thus the applicant was thus fully covered by the Supreme Court decision in the relevant date in 1991 that he was already upgraded, therefore, being in the said pay scale the benefit would have been given to the applicant but this aspect was altogether overlooked and accordingly the respondents are directed to pay the scale of the applicant with effect from the date of the order from which his seniority and promotion is maintained as the applicant cannot be placed to a particular pay scale if by that time he was in the higher pay. Let it be done within a period of 2 months from the date of communication of this order.

No order as to costs.

D. M.
D. M.

V.C.P.
V.C.P.

Dated: Allahabad
18th January, 1993

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