

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1293 of 1993

Allahabad this the 11th day of April 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr.C.S. Chadha, Member (A)

1. Shri C.S. Gupta, aged about 35 years, Son of Sri B.S. Gupta, Resident of NI/II/29 Armapur Estate Kanpur, Miller HS Grade II, T.No./Section 179/MM S.C.T.Batch No.4th, Ordnance Factory, Kanpur.
2. Shri Ashok Kumar Bose Son of Sri S.B. Bose, Resident of Nirmal Palli P.O. Simurali, Distt. Nadia(West Bengal) Posted as Miller HS-GR-II T-No/Section: 183/MM S.C.T.Batch 4th , Ordnance Factory, Kanpur.
3. Sri Baijnath Shah Son of Sri M.P.Shah, Resident of 78/2 Vijay Nagar, Kanpur Posted as Auto Fitter HS Gr-II T.No./Section/139/MT, Batch 4th S.C.T., Ordnance Factory, Kanpur.
4. Sri R.S. Agarwal, Son of Sri Chandra Prakash Agarwal, R/o 48/4 Lathi Mohal, Kanpur, Posted as Welder HS-Gr-I, T.No./Section 359/MM S.C.T. Batch No.3rd, Ordnance Factory, Kanpur.
5. Sri S.C. Roy, Son of Sri N.G.Roy, R/o NT/II/253 Armapur Estate Kanpur Posted as Pattern Maker HS Gr-I T-No/Section/42 CPR S.C.T.Batch No.3rd, Ordnance Factory, Kanpur.
6. Sri Kamlesh Pal Son of Sri Bishweshwar Pal R/o 2/3/75 Lenin Road, Calcutta-44 Posted as Tool Maker HS Gr.II, T-No/Section 186 GC, Batch No.2nd, Ordnance Factory, Kanpur.

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7. Sri Kallol Bagchi, Son of Sri S.N. Bagchi, Resident of NT/III/393 Maitrinagar, Armapur Estate, Kanpur, Posted as Fitter-HS-Gr-I, T-No./Section/190/GC, Batch No.2nd S.C.T. Ordnance Factory, Kanpur.
8. Sri Nebu Lal Son of Sri Dhuddha Prasad R/o NT/III/170 Armapur Estate, Kanpur posted as M/W HS-Gr-II T.No./Section, 607/MM S.C.T. Batch No.4th, Ordnance Factory, Kanpur.
9. Sri Subrata Pal Son of Sri Rabindra Nath Pal Resident of Majher Para Debitala road Ishapur Nawabganj, 24-Pargana(N)743144 Ishapur Posted as Miller-HS-Gr-II T-No./Section/92/CTR/ Batch No.4th S.C.T. Ordnance Factory, Kanpur.
10. Sri Ved Kumar Suri Son of Sri Late K.L. Suri EWS/4920, Awas Vikas Yojana No.3, Kalyanpur, Kanpur, Posted as M/W HS-Gr-II, T-No./Section/ 265/MM Batch No.4th SCT, Ordnance Factory, Kanpur.
11. Sri U.N. Sharma, Son of Sri Bachcha Sharma NT/II/194, Armapur Estate, Kanpur, Posted as Fitter HS-GR-I, T-No/Section: 9/MM Batch No. 4th SCT Ordnance Factory, Kanpur.
12. Sri S. Pal Son of Sri Santi Ranjan Pal NT/ III/183, Armapur Estate Kanpur, Posted as Miller HS-Gr-II, T-no/Section/8/G3 Batch no. 2nd, S.C.T. Ordnance Factory, Kanpur.
13. Sri N.L. Sharma, S/o Sri Raja Ram Sharma, NT/III/403, Maitri Nagar, Armapur Estate, Kanpur, Posted as Fitter HS Gr-II, T-no/ Section/21/NC S.C.T. Batch No.4th, Ordnance Factory, Kanpur.

14. Sri K.N. Dixit. Son of Sri Ved Narayan Dixit, 1221, W2, Basant Bihar, Naubasta, Kanpur, Posted as Electrician HS Gr-II T.No./Section/22/EM, S.C.T. Batch No.3rd, Ordnance Factory, Kanpur.
15. Sri Sujit Kumar Bakshi, Son of Sri S.S. Bakshi, 117/P-376 Naibasti, Kakadeo, Kanpur Posted as Tool Maker, HS-Gr-II, T-No/Section/185/GC Batch No.2nd S.C.T. Ordnance Factory, Kanpur.
16. Sri S.K. Suri, Son of Sri S.N. Suri, NT/III/147 Armapur Estate, Kanpur, Posted as Welder HS-Gr-I, T-No/Section; 360/MM S.C.T. Batch No.3rd Ordnance Factory, Kanpur.
17. Sri Vijay Kumar Suri S/o Late K.L. Suri, 3513 Awas Vikas Plant No.3, Kalyanpur, Kanpur, Posted as Turner HS-Gr-II, T-No/Section 123/MM/ Batch 4th, Ordnance Factory, Kanpur.
18. Sri D.P. Singh Son of Late R.D. Singh, Resident of 615-B, Block Panki Kanpur, Posted as M/W HS Gr-II, T.No/Section/736/MM Batch 3rd S.C.T. Ordnance Factory, Kanpur.
19. Sri P. Sengupta, Son of Sri P.K. Sengupta, Resident of NT/III/328, Maitri Nagar, Armapur Estate, Kanpur, posted as Fitter HS Gr-I, T.No./Section : 110/GB Batch No.4th S.C.T. Ordnance Factory, Kanpur.
20. Sri M.K. Pandey Son of Late M.Pandey, Resident of 253/11 Shastrigagar, Kanpur, Posted as M/W HS Gr-II, T.No/Section-268/MM Batch No.4th S.C.T. Ordnance Factory, Kanpur.
21. Sri Subhash Chandra Majumdar, Son of Sri N.C. Majumdar, Village Kaligarh, Balagarh Distt. Hoogly(West Bengal) Posted as Tool Maker HS-

22. Sri B.C. Pal Son of Late K.C. Pal, NT/III/248 Maitri Nagar, Armapur Estate Kanpur, Posted as Miller HS-Gr-II, T.No/Section: 622/MM Batch-2nd SCT, Ordnance Factory, Kanpur.
23. Sri M.R. Dey, Son of Late B.C. Dey, Resident of 191/11 Vijaynagar, Kanpur, Posted as S.S.P. HS-Gr-I, T.No/Section 373/MM Batch : 3rd, Ordnance Factory, Kanpur.
24. Sri S.K. Sengupta, Son of Sri S.C. Sengupta, 452-B, Block, Panki, Kanpur, Posted as Turner HS-Gr-II, T.No/Section 35/G3 Batch, 4th S.C.T. Ordnance Factory, Kanpur.
25. Sri P. Mandharan Son of Late K.G. Nair NT/III/368 Maitri Nagar, Armapur Estate Kanpur, Posted as S.S.P.HS-Gr-I, T.No/Section/394/MM Batch 4th SCT, Ordnance Factory, Kanpur.
26. Sri R.P. Sharma, S/o Sri D.D. Vishwakarma, 15 MIC Barra-7, Kanpur Posted as Fitter HS Gr-I, T.No./Section 324/MM Barch : 3rd, Ordnance Factory, Kanpur.
27. Sri P.K.A. Upadhyaya, Son of Late A.M. Upadhyaya NT/II/121 Armapur Estate Kanpur, Posted as Moulder HS Gr.-II, T-No/Section 629/MM Batch: 4th, Ordnance Factory, Kanpur.
28. Sri S.K. Prasad, Son of Sri Chattu Pd., R/o Hanumanth Mihar Naubasta Kanpur, Posted as M/W HS Gr-II, T.No./Section 30/MM Barch 2nd, Ordnance Factory, Kanpur.
29. Sri Rajendra Mohan Sharma, Son of Sri Binda Prasad Sharma, 73/9 Safed Colony, Juhi, Kanpur-14, Posted as M/W HS Gr-I, T.No./Section ; 833/MM S.C.T. Batch 2nd Ordnance Factory, Kanpur.



30. Sri Jai Hind Gupta, S/o Late B.M. Gupta, 23-Rajeev Nagar, Lalbangla, Kanpur-7, Posted as Tool Maker HS Gr-II, T.No/Section 241/CTR Batch Ist SCT Ordnance Factory, Kanpur.
31. Sri Balram Singh S/o Sri Nankoo Singh 47/65 General Ganj, Kanpur, Posted as Turner HS Gr-II, T.No./Section: 557/GB Batch No.4th SCT, Ordnance Factory, Kanpur.
32. Sri Rajiv Sharma , Son of Late Janardan Sharma L.I.G.39 Single Story, Barra-6, Kanpur, posted as Turner, H.S.Gr.-II, T.No/Section 241/GB, Batch no.3rd, Ordnance Factory, Kanpur.
33. Sri A.K. Saha, S/o Sri S.C.Saha, N.T./III/ 421 Maitri Nagar, Armapur Estate, Kanpur, Posted as M/W HS Gr-II, T.No/Section 225/MM Branch 4th Ordnance Factory, Kanpur.
34. Sri Ashok Kumar Pathak, Son of Sri Mamta Pathak, 986/E-2 Barra-2, Kanpur, Posted as Welder HS Gr-I, T-No./Section 20/CTR Batch 3rd Ordnance Factory, Kanpur.
35. Sri P.K. Prajapati S/o Sri Bomay Ram R/o 251/E Burra 5 Janta Nagar, Kanpur, posted as Turner HS-II, T.No/Section 244/GB, Ordnance Factory, Kanpur.
36. Sri M.P. Maurya, Son of Sri Ram Surat Prasad 248/Type-II, Armapur Estate, Kanpur, SCT 4th Batch, Posted as Turner HS GR-II, T-No/Section 337/MM, Ordnance Factory, Kanpur.

Applicants

By Advocate Shri Sudhir Agarwal

Versus

1. Union of India through the Secretary, Ministry of Defence, New Delhi.

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2. The Director General, Ordnance Factories
10-A, Auckland Road, Calcutta.
3. The Chairman, Ordnance Factories Board
10-A Auckland Road, Calcutta.
4. General Manager, Ordnance Factory, Kanpur.
5. Sri R.N. Banerji through General Manager,
Ordnance Factory, Kanpur.
6. Sri A.K. Chakravarti through the General
Manager, Ordnance Factory, Kanpur.
7. Sri Kailash Chandra through the General
Manager, Ordnance Factory, Kanpur.

Respondents

By Advocate Shri Amit Sthalekar

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this application filed under Sec.

19 of the Administrative Tribunals Act, 1985,
the applicants have challenged the order dated
04.02.1984(annexure-1) in so far as it ^{gave} ~~given~~
higher pay scale to the incumbents working in
the trade of Jig Borer, and further treating them
senior to the applicants to the others who came
from different trades.

2. Similar controversy, stated in para⁴-28,
was considered by the Calcutta Bench of this
Tribunal in T.A.No.1361 and 1248 of 1986 and

Judgment was given on 30.10.1987 in favour of the Grinders and against the department. In O.A.No.951/89 and O.A.No.810/89 this Tribunal also examined the similar controversy and passed the following order;

"We have heard the counsel 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 costs."

3. In the counter-affidavit it has been stated that against the Judgment of the Calcutta Bench of this Tribunal, S.L.P. was filed before the Hon'ble Supreme Court, which is pending and has not been decided. Counter-affidavit was filed on 16.08.94, more than 7 years have passed, but the counsel for the parties are not in a position to inform us about the Judgment of Hon'ble Supreme Court in the said S.L.P.

4. In the circumstances, we are disposing of this O.A. following the Judgment of this Tribunal dated 04.09.1992 in O.A.No.951 of 1989 with the directions to the respondents to give same benefits to these applicants also as has been given by the

Calcutta Bench of the Tribunal. However, this direction is subject to ^{otherwise} direction, if any, given by the Hon'ble Supreme Court, ~~otherwise~~. There will be no order as to costs.

B. H. S. He

Member (A)

/M.M./

[Signature]
Vice Chairman.