

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the day of 12 January 1995.

ORIGINAL APPLICATION NO. 1746 OF 1994.

1. Phulena Rai S/o Sri Vishram Rai,
T. No. 290/S.M. 94/19 Block No. 10,
Govind Nagar, Kanpur.
2. Harbansh Singh S/o Late Sri Sardar Singh
T.No. 140/ S.M., 109/361 R.K. Nagar, Kanpur.
3. Ramesh Kumar S/o Sri Dina Nath,
T.No. 049/N.A.P.S. 39/2 Block No. 4 Govind Nagar,
Kanpur.
4. D.P. Mishra S/o Sri Ram Charan,
T.No. 91/N.A.P.S. 124/86(C) Block,
Govind Nagar, Kanpur.
5. V.N. Tiwari S/o Late Sri Shyam Charan Tiwari,
T.No. 68/N.A.P.S. 201/8 Vijay Nagar,
Kanpur.
6. Mohd. Hanif S/o Sri Abdul Majid,
T.No. 551/Bomb 127/796 W(1),
Saket Nagar, Kanpur.
7. Charan Jeet Singh, S/o Sri Balwant Singh Soni,
T.No. 373/N.A.P.S., 469/8 Shastri Nagar,
Kanpur.
8. Har Bhajan Lal Sahu S/o Sri Bal Mukund Sahu,
T.No. 57/N.A.P.S., 128/706 K Block, Kidwai Nagar,
Kanpur.

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9. Chhattu S/o Sri Kalloo Yadav,
T.No. 114/N.A.P.S. 107 Type No. 1,
Armapur Estate, Kanpur.
10. Kharak Singh S/o Late Sri Dharam Singh,
T. No. 20/N.A.P.S., 96 G(I) T, Armapur,
Kanpur.
11. Tej Narain Yadav S/o Sri Aakloo Yadav ,
T.No. 327/N.A.P.S., 13/93 Panki Power House Colony,
Kanpur.
12. Bashir Khan S/o Mohammad Sharif Khan,
T.No. 112/N.A.P.S., 130/513 D Baboo Purwa,
Kanpur.
13. Dina Nath Singh S/o Late Sri Dashrath Singh,
T.No. 6/N.A.P.S., 98/4 Vijay Nagar,
Kanpur.
14. Gangadhar Jha S/o Awadh Narain Jha,
T.No. 113/N.A.P.S., 259G(1) Armapur Estate,
Kanpur.
15. M.K. Chatterji S/o Sri S.K. Chatterji,
T.No. 237/S.M. 371/G(1) Armapur,
Kanpur.
16. Suresh Chand Shukla S/o Sri Mahabir Prasad Shukla,
T.No. 12/G.B.120/7 Vijay Nagar, Kanpur.
17. Mohammad Hanif S/o Late Sri Muharram Ali,
19/N.A.P.S., 717 R. Type, Armapur,
Kanpur.
18. K.S. Saxena, S/o Late Sri Badri Sahay Saxena,
T.No. 489/BOMB, 119/501 Darshanpurwa, Kanpur.

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19. R.P. Yadav S/o Late Sri Bansh Raj Yadav,
T.No. 107/Bomb, 24/5 New Labour Colony,
Kanpur.
20. Ram Shanker S/o Sri Bhikha Prasad,
T.No. 430/BOMB 38(G) (1), Armapur Estate,
Kanpur.
21. Devata Deen Yadav, S/o Late Sri Ram Samujh Yadav,
501/BOMB, 6 F. Baba Nagar, Naubasta,
Kanpur.
22. Ram Bahadur S/o Sri Shri Nagai,
T.No. 99/N.A.P.S. 192(G) (1) Tarmapur,
Kanpur.
23. Bharat Pandey, S/o Late Sri Balram Pandey,
T.No. 160/BOMB, 209/7 Vijay Nagar,
Kanpur.
24. R.K. Sonkar S/o Late Sri Ganga Ram,
T.No. 329/BOMB, 50 E/17 Dabauli, Kanpur.
25. Ram Dutt S/o Late Sri Jangali Ram,
T. No. 370/BOMB, 392 H,
Om Purwa Chakeri Road, Kanpur.
26. Ram Bilash S/o Sri Dashrath Ram,
R/o 360/S.M., 113 Type 2 Armapur,
Kanpur.
27. J.K. Das S/o Late Sri Gaur Haridas,
T.No. 493/BOMB G(1) Dr. A.R.Mathur Estate, Kanpur.

By Advocates Sri Vikram Nath/
Sri Yashindra Nath.

..... Applicants.

Versus

1. The Chairman,
Ordnance Factory Board, 10-A Auckland Road,
Calcutta-700 001.

For

2. General Manager,
Ordnance Factory, Kalpi Road,
Kanpur.

3. Union of India through Secretary,
Ministry of Defence,
New Delhi.

..... Respondents.

By Advocate Sri.....

CORAM: Hon'ble Mr. Justice B.C. Saksena, VICE CHAIRMAN
Hon'ble Mr. K. Muthukumar, MEMBER (A)

ORDER (ORAL)

By Hon'ble Mr. Justice B.C. Saksena, VICE CHAIRMAN

1. We have heard the learned counsel for the applicant at the admission stage.

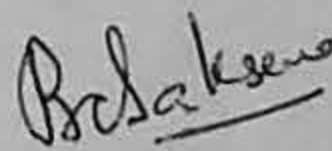
2. The applicants through this Original Application have prayed for a relief that all the applicants who were working as Machinist Skilled prior to 16.12.1981 be placed in Machinist Highly Skilled Grade II from 16.10.1981 and all the consequential benefits be given to them. No statutory provisions is indicated as basis for the claim. From the record, it appears that the question of grant of scale of the Machinist was considered by the 3rd pay Commission and, thereafter, on the recommendation of the 3rd pay Commission, a high power committee known as Expert Classification Committee was set up to study and evaluate the job content and to correlate the evaluation to suitable pay scales within the frame work of the recommendations of the Third Pay Commission. The Expert

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Committee went through the matter and submitted a report on revise pay scales of industrial workers in the defence industry. It is not the applicant's case that the said Expert Committee had not given thought to claim for upgrading the scale of pay of the Machinist Skilled. The grant of scale has been considered by the 3rd Pay Commission and the Expert Committee and, thereafter, the Fourth Pay Commission was also constituted. The grant of scale of pay has to be decided by such Expert Body and on the material placed in the O.A., it is not possible for us to evaluate the claim of the applicant for higher scale of pay. The applicants can ^{well} very make a claim for upgradation to the post of Machinist Highly Skilled Grade II before the Fifth Pay Commission which has also now been constituted.

3. In view of the said alternative remedies available to the applicant, we see no ground to entertain the O.A and, accordingly, dismiss the O.A. No order as to costs.


MEMBER (A)


VICE CHAIRMAN

ALLAHABAD: DATED: 12/1/1995.

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[O.A.No: 1746/94]

15/11/1994

Diary No. 1982/94

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

Hon'ble Mr. J.S. Dhaliwal, J.M.

None for the applicant. It is seen from the order dt. 9.9.1994 that the defects pointed out in the application had been removed, office may give a registration number. Adjourned. List this case on 12.1.1995 for admission. It is also seen in the application ^{that} none ^{is} appearing for the applicant; if no one appears on behalf of the applicant on the next date also, the application shall be dismissed in default of applicant.

J.M.
am/

A.M.

12.1.1995

Hon'ble Mr. Justice B.C. Gokhale, V.C.

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

Heard the counsel for the applicant. Judgment dictated separately in the open court.

A.M.

V.C.

File Pages Judgment 13
Entered on records

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2. General Manager,
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Kanpur.

3. Union of India through Secretary,
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..... Respondents.

By Advocate Sri.....

FORAM: Hon'ble Mr. Justice B.C. Saxena, VICE CHAIRMAN

Hon'ble Mr. K. Muthukumar, MEMBER (A)

ORDER (ORAL)

By Hon'ble Mr. Justice B.C. Saxena, VICE CHAIRMAN

1. We have heard the learned counsel for the applicant at the admission stage.

2. The applicants through this original Application have prayed for a relief that all the applicants who were working as Machinist Skilled prior to 16.12.1981 be placed in Machinist Highly Skilled Grade II from 16.10.1981 and all the consequential benefits be given to them. No statutory provisions is indicated as basis for the claim. From the record, it appears that the question of grant of scale of the Machinist was considered by the 3rd Pay Commission and, thereafter, on the recommendation of the 3rd Pay Commission, a high power committee known as Expert Classification Committee was set up to study and evaluate the job content and to correlate the evaluation to suitable pay scales within the frame work of the recommendations of the Third Pay Commission. The Expert

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3. In view of the said alternative remedies available to the applicant, we see no ground to entertain the U.A and, accordingly, dismiss the U.A. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

ALLAHABAD: DATED: 12/1/1995.

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