

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 1106 of 1994

Dated : 12.1.1995

Hon'ble Mr. S. Das Gupta, Member(A)

Hon'ble Mr. Jashir S. Dhaliwal, Member(J)

Vijai Bahadur Verma S/o Sri Mewa Ram T.No.2/SM
R/o 51 Anand Vihar Naubasta, Kanpur & 87 Others

Applicants

By Advocate Sri V. Nath, Y. Singh

Versus

1. The Chairman, Ordnance Factory Board,
10-A, Auckland Road, Calcutta-700001.
2. General Manager, ^{Ordnance} ~~Small Arms~~ Factory, ^{Kalpi Road} Kanpur
3. Union of India, through Secretary,
Ministry of Defence, New Delhi.

Respondents.

By Advocate -----

O R D E R(Oral)

Hon'ble Mr. S. Das Gupta, Member(A)

Heard, the learned counsel for the
applicant on admission.

2, 88 applicants have joined in this
Original Application filed under Sec.19 of the
Administrative Tribunals Act, 1985 praying for a
direction for their upgradation as ^{Machinist} ~~Turner~~ Highly
Skilled Grade-II w.e.f. 16.10.1981 with all con-
sequential benefits.

3. The applicants are all working in the
trade of ~~Machinist~~ ^{Ordnance} in the ~~Small Arms~~ Factory,
Kanpur. They were initially recruited as ~~Machinist~~

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Semi-Skilled. They were promoted at different points of times to the grade of ^{Machinist} ~~Semi-Skilled~~ on dates prior to 16.10.1981. An Expert Classification Committee (E.C.C. for Short) set up on the recommendations of the IIIrd Pay Commission studied and evaluated the job contents of the various trades and correlated the evaluation to suitable pay scales within the frame work of the recommendations of the IIIrd Pay Commission. The Expert Committee recommended upgradation of different grades of certain trades but the trade of Machinist was not one of them. Thereafter, an a-namolies committee was appointed to examine certain anomalies arising out of the implementation of the recommendations of the E.C.C. and this committee recommended upgradation of certain other trades which were not covered by the E.C.C. However, even the Anamolies Committee did not recommend upgradation of the trade of Machinist ^{except its semiskilled grade.} ~~The upgradation in the other~~ trades covered by the E.C.C. and the Anamolies Committee were allowed w.e.f. 16.10.1981. The applicants who belong to the trade of Machinist submitted representations for upgradation to H.S. Grade II w.e.f. 16.10.1981 at par with other trades which were allowed the facility of upgradation but this was not acceded to ^{by} ~~the~~ respondents.

4. The only ground on which the applicants have prayed for upgradation of their trade is that

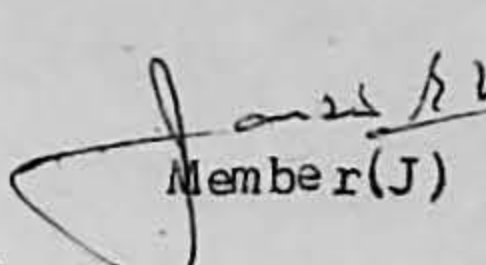
Machinist
the ~~Tool~~ / - perform jobs of similar difficulty and ability as performed by persons working in other trades like Tool Setter, Fitter(T&G), Instruments Fitter and Jig Borer.


5. It is the settled principle of law that equal pay should be granted for equal work. This follows from the provisions of Articles 14 and 16 of the Constitution. However, an indiscriminate use of this principle can lead to administrative chaos. In the case of Shyam Babu Verma Vs. U.O.I. (1994) 2 SCC 521, it was observed by the Supreme Court that the principle of equal pay for equal work should not be applied in a mechanical or casual manner. Classifications made by a body of expert after fully studying and analysis of the work could not be disturbed except for strong reasons which indicate the classifications made is unreasonable.

6. In the case before us, admittedly, the upgradation to certain trade was allowed on the basis of study of the job content by an expert body. Certain modifications to the recommendations were also allowed after study was carried out by another body, called the Anamolies Committee. If, these 2 committees did not consider the trade of Machinist as deserving upgradation on the basis of the job content, this Tribunal can hardly come into the matter and on the basis of meagre data placed

before us, come to the conclusion that the
Machinist
/ are doing a job which can be equated
to the job content of other trades which have
been allowed upgradation. This is really a job
of expert committee. Since already another Pay
Commission is functioning, we are of the view
that any grievance that those in the trade of
Machinist
/ have can be brought to the notice of the
Pay Commission for appropriate redressal.

7. So far as this Tribunal is concerned,
we are not in a position to come to a conclusion
that the trade of Machinist
/ is deserving upgradation
on the basis of its job content. The petition
before us is, therefore, dismissed on the admission
stage itself.


Member(J)


Member(A)

/M.M./