

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 3rd day of April 1996

Original application no. 1392 of 1995.

Hon'ble Mr. T.L. Verma, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

1. Kamla Ram, S/o Sri Ramput Ram, T.N. 137/M.M. OEC, 148 Vijay Nagar Kanpur.
2. Banshi Lal Arora, S/o Sri Desh Raj Arora, 128 CTR 58/5 Block No. 6, Govind Nagar, Kanpur.
3. Sri Ram Kishore Rai, S/o Sri R.R. Rai, 202/CTR, R/o CIT/85 Armapur, Kanpur.
4. Nabii Ullah S/o Late Sri Safi Ullah T.No. 319/MM R/o 88/197 Safiabad, Chamanganj, Kanpur.
5. Durga Prasad, S/o Late Moti Lal T.No. 203/CTR, R/o J II/53 Vijay Nagar, Kanpur.
6. Muhammad Nasim, S/o Late Ramjan, T. No. 29/CTR, R/o 61/5 Safed Kaloni, Juhi, Kanpur.
7. Ramjee Ram, S/o Late Sheo Ram, T.No. 210/SFI, R/o NT/384 Armapur, Kanpur.
8. Kalloo Ram S/o Late Sonu Ram T.No. 42/NAPSm OFC, R/o 90/21 Block No. 9 Govind Nagar, Kanpur.
9. Kanhi Singh, S/o Late Kedar Singh, 300/GB, OFC, R/o 641/42A Sheo Nagar, Maswanpur, Kanpur.
10. Radha Kishan, S/o Late Mewa Lal, T.No. 62/MM, OFB Resident of 106/88 Gandhi Nagar, Kanpur.
11. Rajendra Kumar, Sharma, S/o B.L. Sharma, T.no. 68/CTR, OFB, R/o 337 Lal Colony, Juhi, Kanpur.
12. Satyapal Sharma, S/o Late Chiranji Lal Sharma, T.No. 307/Bomb, OFB, R/o 337 Lal Colony Juhi, Kanpur.
13. Gyan Prakash Saxena, S/o Late Shri B.L. Saxena, T.No. 156/APS, OFC, R/o 2/293 Nabat Ganj, Kanpur.
14. Janardan Ojha, S/o Late Shri V. Ojha, T. No. 526/Bomb, OFB, R/o 337/3 Lal Colony, Juhi Kala, Kanpur.
15. Vakeel Saaph, S/o Jamaluddin, T.No. 188/CTR, OFC, R/o G1/505 Armapur, Kanpur.
16. Ganesh Shanker Trivedi. S/o Late T.N. Trivedi, T.No. 34 CTR, OFC, 123/5 Juhi Lal Colony, Kanpur.

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17. Muzaffar Hussain, S/o Shri R. Hussain, T.No. 189/CTR
OFC, 132/38 Badroopurwa, Kanpur.
18. Bhagwan Singh, S/o Late Shri Fauzdar Singh, T.No. 115/CTR, OFC, R/o 4210/EWS/3 Awas Vikas, Kanpur.
19. Satya Narain, S/o Sri S.R. Charan, T.No. 104/NAPS, OFC, 133/289 Gadarwan Purwa, Kanpur.

... Applicants.

C/A Shri V. Nath, Shri Y. Singh.

Versus

1. The Chairman, Ordnance Factory Board, 10-A Auckland Road, Calcutta-700-001.
2. General Manager, Ordnance Factory, Kalip Road, Kanpur.
3. Works Manager, Ordnance Factory, Kanpur.
4. Union of India through, Ministry of Defence, New Delhi.

... Respondents.

C/R

ORDER (ORAL)

Hon'ble Mr. T.L. Verma, Judicial Member.

This application under section 19 of the Administrative Tribunal's Act 1985, has been filed for quashing order dated 09.08.94 and 17.11.94 and for issuing a direction to the respondents to upgrade the applicant, who were Turner Skilled prior to 16.10.1981, and placed as Turner Highly Skilled Grade II with effect from 16.10.1981.

2. The applicant were initially appointed as Turner Semi Skilled in Ordnance Factory Kanpur and were there after promoted as Turner 'B' at different points of time

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on their passing required trade test in prior to 16.10.1981.

3. The Government of India, on the recommendation of the Thired Pay Commission on constituted an Export Classification Committee (ECC for short) for recommended suitable pay scales for the industrial workers of ordinance and Ordinance Equipment Factories within in the frame work of recommendation of the Third Pay Commission. The ECC submitted its recommendation while was accepted and implemented w.e.f. 16.10.81. The industrial workers of different trades including the applicants were filled in the scales of Classification pay recommended by the Export Committee. Thereafter the Government of India appointed as Anamoli's Committee to remove anomalies in assignment of pay scales brought to the notice of the Government. On the recommendation of the Anamoly Committee 23 Semi Skilled grade were upgraded to Skilled grade of Rs. 260-400.

4. The grievance of the applicants is that in the trade of Turners only the Semi Skilled grade was upgraded. The applicants, who were in the skilled grade on the date the recommendation of the E.C.C. was given effect, have not been given the benefit of upgradation. The further case of the applicants is that in other trades similar to that of Turner such as Instrument Filter, Jig Borer, Tool selter and Filter (T & G) all grades Viz. Semi Skilled, Skilled and Highly Skilled Grade II were upgraded and on the recommendation of the Anamolies Committee. Exclusion of the Skilled grade in the trade of Turner, it is alleged, is

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arbitrary, discriminatory and illegal.

5. The representations filed by the applicants to upgrade their grade from skilled to its grade II has been rejected by order communicated under letters dated 09.08.94 and 17.11.94. Hence this application application reliefs mentioned above.

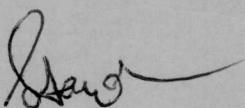
6. We have heard the learned counsel for the applicant and perused the record.

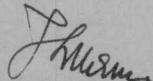
7. From the annexure A-1 whereby the representation of the applicants was rejected, it is clear that pay scales were assigned to different categories on the basis of recommendation of the expert classification committee. Expert classification committee evaluated the job of the different trades on the basis of point rating system. The E.C.C assigned points scores to the various attributes in performing job of various trades and Grades. These point scores were divided on various Groups and sub Groups and such groups and subgroups were assigned specific pay scale by the Government of India based on the recommendation of the Expert Classification Committee. Certain anomalies were brought to the notice of Government of India in the assignment of pay scales. For removing anomalies as was brought to the notice of government of India, Anomalies Committee handed by Joint Secretary and two representation of recognised Federations was appointed. The Anomalies Committee recommended upgradation of 23 Semi Skilled Grades ^{also} to Skilled Grades. The said recommendation was accepted and implemented w.e.f 16.10.81, the date from which the earlier recommendation of E.C.C. was accepted.

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8. The work of Equitation of pay and Equitation of posts is ^{the} domain of Export bodies like Pay Commissions and Export Committees. The Thired pay commission, admittedly, had recomended for constitution of an Export Classification Committee to recommand suitable pay scales of industrial workers of Ordnance and Ordnance Equipment Factories within ^{the} frame work of the recommendation of Pay Revision Committee. The Expert Classification Committee adopted point rating system for dividing different trades in different groups and sub groups on the basis of point scored by each of them. There is noting on the records to show ^{is} that the method adopted by the Export Classification Committee had any fault. We have, ^{therefore}, no material before us to show that there was ^{any} arbitrariness in the application of point rating system as may warrant ~~also~~ interference of the court.

9. In view of the above we find no merits in the case and dismiss the same in limine. However, the Govt. may consider, making a point reference of the issue to the 5th Pay Commission which has already been set up notwithstanding facts that the applicationis being dismissed.


Member-A


Member-J

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