

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 30th day of October, 2003.

QUORUM : HON.MR.JUSTICE R.R.K. TRIVEDI, V.C.

HON. MR. D. R. TIWARI, A.M.

O.A. No. 879 of 1995

Sunil John S/O Late Sri John Rustam, L.D.C., E.D.P. Section,  
O.C.F., Shahjahanpur R/O Mission G.H.S. Near P.W.D. Inspection  
House..... Applicant.

Counsel for applicant : Sri K.C. Saxena.

Versus

1. The Chairman, O.F.B., 10-A, Auckland Road, Calcutta.
2. The G.M., O.C.F., Shahjahanpur.
3. The G.M. Ordnance Factory, Ambhajhar.
4. The G.M. Ordnance Factory Jubbalpur (MP).

..... Respondents.

Counsel for respondents : Sri A. Mohile-y.

O R D E R (ORAL)

BY HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A. filed under section 19 of A.T. Act, 1985, applicant has prayed for a direction to respondents to redesignate the applicant as P.V.O. (Punch and Verifier Operator) from 2.5.1988 and grant him special allowance of Rs.40/= per month in terms of the factory letter dated 4.3.1987.

2. The facts of the case are that applicant joined as L.D.C. in Ordnance Clothing Factory, Shahjahanpur. The Ordnance Factory Board started installation of Micro Processor Computer System in Ordnance Factory supervised and controlled by it. The scheme was provided vide letter dated 4.3.1987 (CA-1) for re-deployment of the persons who could work as P & V.O. Paragraph 'C' of the letter, which is relevant, is being reproduced below :-

"(c) Existing Punch & Verifier Operators may be redeployed for Data Entry Operation. In factories where more D.E. Operators are required some of LDCs/



UDCs from existing strength may be redeployed for carrying out additional data entry. They may be redesignated presently as 'Punch and Verifier Operator' and granted special pay as admissible. However, factory should prefer persons having at least graduation degree and aptitude to learn computer operation/programming. They should be from younger age group."

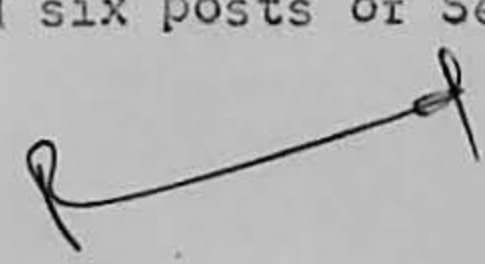
3. In pursuance of the aforesaid letter dated 4.3.1987, it is admitted position that applicant was appointed as P & VO w.e.f. 2.5.88. However, the applicant was neither redesignated as such nor was he paid the special allowance of Rs.40/= p.m. For this purpose, he made several requests before authorities and when he remained unsuccessful, he filed this O.A. on 29.8.95.

4. Resisting the claim of the applicant, respondents have filed counter reply. They have admitted the fact in para 6 of the counter that applicant was redeployed in E.D.P. Section w.e.f. 2.5.1988 and he continued there till he was selected for appointment as Charge Man Grade-II w.e.f. 1.4.03.

5. The grievance of the applicant is that he has been illegally denied the benefit of letter dated 4.3.87 on the ground that subsequently direction was given by Ordnance Factory Board not to create additional burden. Respondents have tried to justify their action on basis of the letter dated 11.9.88 filed as CA-2. The relevant paragraph 2 whereof reads as under :-

"O.F. Board has further advised that no additional post will be created for the purpose and the new cadre shall be formed by diverting posts from other trades/grades with consequent deduction in sanctioned strength in the trade/grade from which such posts are diverted."

6. On perusal of the aforesaid clause 2 of letter dated 11.9.88, it is clear that the direction was not to create the additional post but the undisputed fact is <sup>for</sup> that this factory <sup>for</sup> six posts of P&V.O. and six posts of Senior P&V.O. were



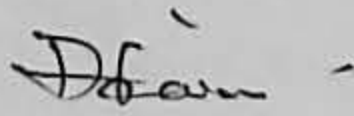



sanctioned ~~for this Ordnance Factory~~ and all these posts were redesignated as D.E.O. (Data Entry Operator) vide letter dated 23.7.1992.

7. In our opinion, there is nothing in the letter dated <sup>11. Sep.</sup> 1988 on which basis the claim of the applicant could be denied. It is undisputed that he was serving as <sup>and</sup> LDC/ <sup>from</sup> there he was picked up for appointment as P&VO. He continued on the post till he was selected for the higher post in open selection. The appointment of the applicant was within the sanctioned strength of six. It could not be termed as additional post of P&VO. In the circumstances merely on the ground that there he was not redesignated as P&VO, which was <sup>work</sup> ~~ministerial~~, he could not be denied the payment of special allowance of Rs.40/= p.m. In our opinion, stand taken by the respondents are unjustified and against the facts on the record.

8. For the reasons stated above, the O.A. is allowed. Respondent No.2 is directed to treat the applicant as <sup>re-</sup> ~~re-~~ designated P&VO for the period he has worked and thereafter w.e.f. 23.7.92 to treat him as D.E.O. and pay him special allowance of Rs.40/= including arrears. This order shall be implemented within a period of four months from the date of receipt of a copy of this order.

No order as to costs.

  
A.M.

  
V.C.

Asthana/