

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 1st day of August, 2001.

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Original Application No. 939 of 1995.

1. Suresh Chandra Jaiswal S/o Sri Ram Dularey Jaiswal
T. No. 2387/MSSD.
2. Kaushi Ram S/o Sri . Prasadi , T. No. 2203/CLO II
3. Satya Narain S/o Sri Anandi Prasad T.No. 2731/CLO II
4. Ram Lal S/o Sri Gaya Din Yadav T. No. 1439/CLO II
5. Navab Ali S/o Sri Imam Ali, T. No. 2042/CLO II
6. P.N. Mishar S/o Sri Ram Bilas Mishra T. No. 2641/CLO II
7. Shiv Prasad S/o Sri Dirghshani Prasad T. No. 2034/CLO II
8. Nasir Ahmad S/o Sri Nazir Ali. T. No. 1711/CLO II
9. Rajesh Chand Yadav, S/o Sri Nand Ram Yadav T.No.2180/CLO II
10. Shiv Baran S/o Sri Pal T. No. 2940/CLO II
11. Mohd. Suleman S/o Sri Mohd. Haroon T. No. 1659/CLO II
12. Sunil Kumar Sharma S/o Sri Onkar Nath Sharma
T. No. 2053/CLO II.
13. Prakash Chand S/o Sri Munna Lal T. No. 2508/TM.
14. Ranbir Singh S/o Sri Vishwa Nath Singh T. No. 2873/TM
15. Jamuna Prasad S/o Sri Shyam Lal T. No. 2517/TM
16. Kailash Kumar S/o Sri Chhotey Lal, T. No. 2687/T.M.
17. Dinesh Kumar S/o Sri Raj Deo T. No. 2720/TM
18. K.K. Srivastava S/o Sri J.N. Srivastava T. No.2675/Yard
19. Sandip Kumar Chaterjee S/o Sri Minni Lal Chaterjee
T. No. 2721/Camp.
20. Sabbir Ahamad S/o Sri Basir Ahamad T. No. 1611/Camp



21. Puran Chand Chaurasia S/o Sri J.P. Chaurasia T.No.2386/MSSD
22. Trinath Raj Yadav S/o Sri Khilari Yadav T.No.2726/CLO II
23. Ram Pratap S/o Sri Bali Ram T. No. 2629/MSSD
24. Liyakat Ali S/o Sri Hamid Ali T. No. 1841/TM

All C/o Sri Suresh Chandra Jaiswal R/o 157 E (1)
Chandra Nagar Lal Benglow, Kanpur.

.....Applicants

Counsel for the applicants :- Sri B.N. Singh

V E R S U S

1. Union Of India through the Secretary, M/o Defence
Government of India, New Delhi.
2. Director General of Ordnance Services, Army Headquarter,
D.H.Q, P.O, New Delhi.
3. Commandate, Central Ordnance Depot (C.O.D),
Kanpur.

.....Respondents

Counsel for the respondents :- Km. Sadhna Srivastava

O R D E R (Oral)

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

This application under section 19 of the Administrative Tribunals Act, 1985 has been filed by 24 applicants for the relief that the respondents may be directed to grant the benefit of the arbitration award dt. 01.11.1985 by upgrading the applicants to the pay scale of Rs. 210-290 (Pre-revised) from the date the benefit was given to the similarly situated employees.



2. The case of the applicants are that they were working as Mazdoor in C.O.D, Kanpur and they ^{were} engaged in packing work. It is not disputed that arbitration awarded dt. 01.11.85 was given ^{and all} ~~each~~ Mazdoors working in packing section were entitled for the higher grade namely 210-290. The Mazdoors engaged in packing work approached this Tribunal by filing O.A No. 723/1991 which was allowed by order dated 25.11.1992 and the following direction was given :-

".....respondents are directed to implement the award in respect of the applicants also within a period of three months except in respect of those for whom the certificates were issued by the incharges that they were working as Mazdoors ^{in packing &} ~~under~~ section, is not correct. With these observations, the application is disposed of finally. No order as to the costs."

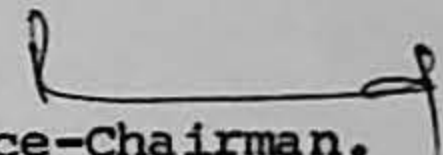
3. In O.A 723/91, applicants had filed certificates issued by ~~the~~ ^u the concerned section that applicants were working there. The Court recorded the findings on basis of the said certificates which were not controverted. While issuing direction, again it was left to be certified by the incharge of that section. In the present case, no such certificates have been filed. In the CA, only it has been stated that 15 applicants ^u ~~were~~ forwarded application ^u claiming Mazdoor engaged in packing work. It has been further stated that the applicants have not been verified by the incharge of the section. In these circumstances, it is difficult for this Tribunal to record the positive finding as to whether the applicants ^u ~~are engaged~~ ^u ~~Applicants~~ were actually engaged in work of packing at the relevant time. However, on this ground, the relief can not be refused to the applicants and for ascertaining the correct position, matter may be sent back to the authorities.



4. The OA is accordingly disposed of finally with the direction to respondent No.3, Commandant, C.O.D, Kanpur to examine the ^{cases} of all the 24 applicants and record the findings as to whether they were actually engaged in packing work. If they are found to have been engaged in the packing work, they will be given benefit of the award dt. 01.11.1985 within three months from the date order ^{is} passed by respondent No. 3. It is further provided that the applicants shall be given full opportunity to file evidence on which basis they may show that they were engaged in packing work.

5. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/