

(Open Court)

Central Administrative Tribunal
Allahabad Bench, Allahabad.

Dated : Allahabad, This The 25th Day of July 2000.

CORAM:

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 1275 of 1999.

1. Sri Omkar Nath Kuswaha	T.NO.166	Marker
2. Sri D.C. Banerjee	" 172	"
3. Sri Talib Raza	" 175	"
4. Sri Abdul Hamid	" 168	"
5. Sri Dhuman Lal	" 163	"
6. Sri Jitendra Gopal	" 174	"
7. Sri Chhotey Lal	" 164	"
8. Sri S.N. Nishad	" 171	"
9. Sri Grum Raj Singh	" 167	"
10. Sri Mewa Lal	" 182	"
11. Sri Lallan Prasad	" 177	"
12. Sri Moti Lal	" 180	"
13. +Sri Mahabir	" 194	"
14. Sri Ram Gopal	" 820	"
15. Sri Baram Din	" 188	"
16. Sri Ram Newaz	" 192	"
17. Sri Nankoo Ram	" 185	"
18. Sri Mewa Lal	" 176	"
19. Sri Prithwi Pal	" 193	"

All address of Pratiraksha Karmchari Sangh
O.D. Fort, Allahabad.

. . . Applicants.

Counsel for the Applicants: Sri S. Yadav, Adv.

Versus

1. Union of India through the Secretary,
Ministry of Defence, Government of India,
New Delhi.

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2. Director General of Ordnance Services
Master General of Ordnance Branch,
Army Headquarters, D.H.Q. P.O. New Delhi.

3. Commandant, Ordnance Deopt,
Fort, Allahabad.

. . . Respondents.

Counsel for the Respondents: Sri A. Sthalekar, Adv.

ORDER

(By Hon'ble Mr. S. Dayal, A.M.)

This application has been filed for a direction to the respondents to treat Marker trade along with Painters, and Decorators trades for grant of higher scale from time to time. A direction is also sought to the respondents to pay difference of salary as a consequence of grant of the pay scale. The applicants further seek direction to the respondents to prepare a combined seniority list of Marker, Painter and Decorator trade and give promotion to the Markers to the Post of Chargeman highly skilled Grade II and Grade I on the basis of combined seniority list.

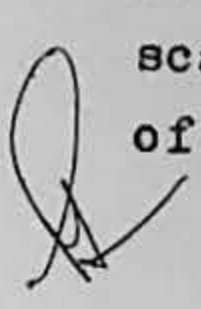
2. The arguments of Sri S. Chandra proxy counsel for Sri S. Yadav and Sri Amit Sthalekar have been heard, The pleadings on records have been considered.

3. The learned counsel for the applicant has contended that the three tradesmen that is Markers, Painters and Decorators ^{were} getting the same pay scale till 1981. It was only after 1981 that the Painters and Decorators were paid in the skilled category and granted the pay scale of Rs.260-400 while the Markers remained in the scale of Rs.210-290. The learned

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counsel for the applicant has drawn attention to the report of sub-committee formed at the instance of the staff side members of the J.C.M. of Army Head Quarters which urged that it should be considered that Marker be treated as skilled trade and should be given highly skilled Grade II and Grade I. A sub-committee under the Chairmanship of Brig. S. A. Zamir along with members from the official as well as staff side was set up which went into details of the job description of Markers, Painters and Decorators and came to the conclusion that identical job are carried out by Painters, Decorators as well as Markers. The committee also noted that Painters, Decorators and Markers were ~~with~~^{at} drawing identical pay scale of Rs 210-290 and it was only afterwards that the Marker were given the pay scale of Rs800-1150 and Painters and Decorators the pay scale of Rs. 950-1500. The sub-committee recommended both the categories Painters, Decorator and Markers in the pay scale of Rs.950-1500. The learned counsel for the applicant has thus contended that equal pay should be given for equal work and equal opportunities for further advancement should be made available to the category of Markers. The learned counsel for the respondents have contested his contention and has referred to the report of the Fifth Pay Commission in Para 63.314 which specifically considered the demand for parity of pay scale and merger of Markers, Painters and Decorators in A.O.C. The recommendations made in para63.314 are reproduced as below:-

"It has been intimated that there is a long standing demand for parity of pay scales and merger of Markers with that of Painters and Decorators in A.O.C. We

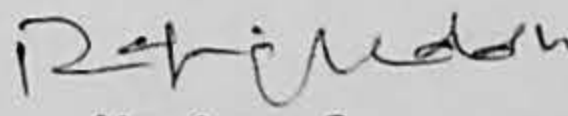



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have considered the issue and find that in terms of essential qualifications for direct recruitment, the exist markers are at Par with semiskilled Painters and Decorators(Mate). Keeping in view the similarity in job content, we recommend merger of Marker with the semi skilled Painters and Decorators (Mate) in the pay scale of Rs.800-1150.

4. It is also held in Catena in the judgment that the work of job evaluation and fitment in pay scale on that basis is a work involving expertise and has to be performed by expert committees. Since the Pay Commission has already considered the issue and made recommendations, we are unable to agree with the contention of learned counsel for the applicant that the Markers should be equated with Painters and Decorators. The O.A. therefore, fails and is dismissed.

5. No order as to costs.


Member-J.


Member-A.

/Raza/