

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 22nd day of May 2002.

QUORUM : HON. MR. S. DAYAL, A.M.
HON. MR. RAFIQUDDIN, J.M.

O. A. No. 1251 of 2000.

1. Suraksha Durwan Singh through its President Bhanwar Singh aged about 58 years s/o Late Bachchoo Singh r/o H.No.116/406-B, Anand Nagar, Nai Basti, Rawatpur Gaon, Kanpur.
2. Jagvir Singh aged about 56 years s/o Late Prayag Singh r/o H.No.7/17, Sewagram Colony, Dada Nagar, Kanpur.
3. Ashok Kumar Pandey aged about 46 years s/o Shri Durga Prasad Pandey r/o 119/554, Darshan Purwa, Gumti No.5, Kanpur.
4. R.K. Sharma aged about 33 years s/o Late D.R. Sharma r/o 14-E/13, Dabauli, Kanpur.
5. Karanbir Singh aged about 55 years s/o Late Gaya Singh r/o 255/3, Shastri Nagar, Kanpur.
6. Ram Dularey aged about 58 years s/o Late Sukh Lal r/o R-Type 694, Amapur Estate, Kanpur.

..... Applicants.

Counsel for applicants : Sri M.K. Upadhyay.

Versus

1. Union of India through the Secretary, Ministry of Defence, Department of Defence Production, Government of India, New Delhi.
 2. The Chairman, Ordnance Factory/Board/Director General of Ordnance Factories, 10-A, Shaheed Khudi Ram Bose Road, Kolkata.
 3. The General Manager, Ordnance Factory, Kalpi Road, Kanpur.
 4. The General Manager, Small Arms Factory, Kalpi Road, Kanpur.
 5. The General Manager, Field Gun Factory, Kalpi Road, Kanpur.
- Respondents.

Counsel for respondents : Sri Gyan Prakash.

O R D E R (ORAL)

BY MR. S. DAYAL, A.M.

This application has been filed for direction to the respondents to fix the salary of the applicants in the IVth Pay



Commission Scale of Rs.775-1025 in place of the scale given to the applicants of Rs.750-940 and also grant retrospective scale after giving into force the Vth Pay Commission Scale. The arrears are also sought from the date to be fixed by the Tribunal. The applicants also seek enhancement in the rate of Washing Allowance and Tailoring Allowance on account of increase in the cost of materials and service. The applicants have also claimed that night duty allowance of the applicants be suitably enhanced in keeping with the cost of living. The applicants also seeks risk allowance.

2. The applicants are working as Durwans in Ordnance under Ordnance Factory Factory/Board. They have claimed that their duties are same or similar as the duties and status of the Sepoys/Hawaldars/Security Guards working in Railway security, Department of Custom and Central Excise, Industrial Security Force and other Ministries and Departments. It is claimed that duties of Durwans are hazardous. It is also claimed that pay scales of Rs.193-232 and 200-440 were prescribed for security personnel by the IIIrd Pay Commission. The scales of Durwans were Rs.196-232 after IIIrd Pay Commission and were fixed at Rs.650-940 after the recommendation of IVth Pay Commission were implemented. It is claimed that though Expert Classification Committee and Anomalies Committee were set up by the Ministry of Defence but these Committees considered the cases of Technical grades only. The applicants have also based the relief on the decision in O.A. 942/95 decided by Mumbai Bench on 5.7.99.

3. We have heard the argument of Shri M.K. Upadhyaya for applicant.

4. Counsel for the applicant has stated that although directions were given in O.A. 942/95 on 5.7.99 by a Division Bench of Central Administrative Tribunal, Mumbai to form the Committee for the purpose of three senior officers of the Govt., who were conversant with the nature of duties to be carried out



in order to determine the pay scales to be applied to the applicants taking into consideration their qualifications and experience. The Committee was required to complete its task of determining pay parity within three months.

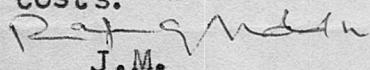
5. It appears from the C.A. filed by the official respondents that matter was taken before the High Court, Mumbai in Writ Petition No.3027/99 and Mumbai High Court also directed on 20.6.01 to form a Committee of high officials of Ordnance Factory Organisation to examine the case of the applicants. Since the counter reply was filed in July 2001, it is not known whether before the this order had been challenged ~~vacation~~ court or not.

6. In the O.A. before us, the applicants have sought not only pay scales but also enhancement in rates of washing allowance, tailoring allowance, night duty allowance and have sought the provisions of risk allowance. The respondents in response have stated in their counter reply that pay scale and other allowances granted to the Durwans were as per recommendations of Pay Commission. They have also stated that the risk allowance is not payable to the applicant as Govt. has specifically granted the same to categories of employees, who were having greater risk. They stated that Apex Court has decided in SLP No.25134/96 in their judgment dated 1.8.97 that night duty allowance was not allowed in the other departments on the ground that night duty was part and parcel of the duties of Chowkidars. The respondent have compared the category of Durwans to the category of Chowkidars.

7. Counsel for applicant has referred to representation dated 26.2.2000 in which various issues have been raised by Suraksha Darwan Sangh. In view of the fact that there is direction to appoint a Committee to go to the pay scales of Durwans, the same Committee can go into the other questions of allowances also. It is not known whether such Committee has been constituted so far or not. We only provide that in case such Committee has been or is constituted, the matter of pay and allowances raised

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by Durwans in their representation dated 26.2.2000 also refer to the Committee for consideration. The respondents may thereafter consider the matter on the basis of recommendations of the Committee. If no such Committee has been appointed, the respondents may decide the representation by a speaking order. No order as to costs.


J.M.


A.M.

Asthana/
28.5.02