

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No.668 of 2006

For day, this the 24th day of November, 2006.


**Hon'ble Mr. K. Elango, Member-J
Hon'ble Mr. M. Jayaraman, Member-A**

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|-----|--|------------------|
| 1. | Baleshwar Pandey, S/o Late Sri P.H. Pandey, Ticket No. 811 Tent Mendor (Material) Ordinance DEPOT, Fort Allahabad. | |
| 2. | Hera Lal S/o Late Sri Vishwanath. | } |
| 3. | Nand Lal S/o Sri Sunder Lal. | } |
| 4. | Sharda Prasad, S/o Late Sri Tejai. | } |
| 5. | Rajendra Prasad Misra S/o Late Sri Sada Shiv Misra. | } |
| 6. | Amar Nath, S/o Late Sri Sharda Prasad Gupta. | } |
| 7. | Jai Kishan, S/o Late Sri Ram Dhari. | } |
| 8. | Badari Prasad, S/o Sri Nankhu. | } |
| 9. | Majeed, S/o Sri Ekran Adeem. | } |
| 10. | Ram Chandra Yadav, S/o Late Sri Jagdev Prasad Yadv. | } |
| 11. | Kanshav Lal, S/o Late Sri Cheddi Lal. | } |
| 12. | Raghauri Ram, S/o Sri Ram Lal. | } |
| 13. | Ram Sagevan S/o Late Sri Ram Dev. | } |
| 14. | Daya Ram S/o Late Sri Sunder Lal. | } |
| 15. | Bheem Shankar Yadav, S/o Late Sri Baba Deen Yadav. | } |
| 16. | Vakeel Mahto, S/o Late Sri Devak Mahto. | } |
| 17. | Vijay Lal, S/o Late Sri Hari Lal. | } All working |
| 18. | Kedar Nishad, S/o Sri Chota Lal. | } as Tent Mendor |
| 19. | Ram Das, S/o Late Sri Ram Bharose. | } at Ordinance |
| 20. | Kahinya Lal, S/o Sri Chhote Lal. | } Depot Fort, |
| 21. | Babu Lal Yadav, S/o Sri Ram Narayan Yadav. | } Allahabad. |
| 22. | Jagdish Prasad, S/o Sri Matta Deen. | } |
| 23. | Jokhan Lal S/o Sri Phullar Lal. | } |
| 24. | Shukraji, S/o Late Sri Ram Jeevan. | } |
| 25. | Dashrath Mangat, S/o Sri Kishan Mangat. | } |
| 26. | Santh Lal, S/o Sri Shuk Dev. | } |
| 27. | Dhuke Ram S/o Sri Sumeshwar. | } |
| 28. | Krishna Prasad, S/o Sri Munni Lal. | } |
| 29. | Narayan Singh S/o Late Sri Budhai Singh. | } |
| 30. | Nankau, S/o Late Sri Raja Ram. | } |
| 31. | Nagraj, S/o Late Sri Kishore Lal. | } |
| 32. | Jagdish, S/o Sri Shyam Lal. | } |

Applicants

By Advocate Shri M.K. Mishra

Versus



1. Union of India, through Secretary, Govt. of India, Ministry of Defence, South Block, New Delhi.
2. Director General, Ordinance Services, Master General of Ordinance Services, Branch under Army Head Quarter, South Block, New Delhi.
3. Commandant Ordinance Depot Ford, Allahabad.

Respondents

By Advocate Shri A.K. Dwivedi

ORDER

M. Jayaraman, Member (A)

Heard, Shri M.K. Mishra, Counsel for the applicants and Shri Anil Kumar Dwivedi, Addl. Standing Counsel for Union of India.

2. The issue that has been raised in this O.A., filed by 32 applicants, is in a short compass, namely whether the applicants presently working as Tent Menders, termed as Semi Skilled Workers, can be considered as Skilled Workers eligible for the pay scale of Rs.3050-4590/- or not.

3. Briefly, the facts are that the applicants are Workers in the Ordnance Depot Fort, Allahabad as Tent Menders, who are categorized in the semi skilled category, eligible for the pay scale of Rs.2650-4000. They have been agitating to be classified as Skilled Workers. Their plea in the present O.A. is that the Principal Bench of the Tribunal vide its Order dated 02.12.2002 in O.A. 762 of 2002 has given the decision in their favour and so the same decision should be made applicable to them.

4. Opposing the above submission, the counsel for the respondents has stated that no doubt there were several decisions of different Benches, ruling that Tailors and Tent Menders would fall in the Skilled category, however, the matter was set at right by a Full Bench decision of Mumbai Bench of this C.A.T. ~~filed in this regard~~ by a detailed Order dated 20.06.2001 rejecting the Original Applications. He specifically mentioned that the Principal Bench had ignored the Full Bench decision and so the same may not be taken into account.


5. We have given our careful consideration to all the pleas and we find force in the submission made by learned counsel for the respondents. On

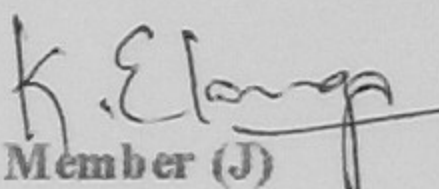


perusal of annexure-1 to the counter affidavit, we find that a Full Bench consisting of Hon'ble Chairman, Hon'ble Vice Chairman and Hon'ble Administrative Member sitting at Mumbai Bench of this Tribunal, had dismissed a bunch of Original Applications and passed a detailed order dated 20.06.2001 in similar matters, and they came to the conclusion that the Tailors would not be upgraded as Skilled Workers. The relevant extract of the above decision vide paragraph no. 18 is as follows: -

18. Thus, on the discussion above, we find that it is due to the mistaken advise of Army Headquarters on seeking of clarification by various units that Army Headquarters erred in clarifying that semi-skilled grade of Tailors were upgraded to skilled grade and their pay scale was revised from 210-290 to 260-400 by Anomalies Committee/Third Pay Commission. It was a mistake on the face of it on part of Army Headquarters as Ministry of Defence never upgraded the semi-skilled Tailors grade and by impugned order that mistake has been set right by respondents. The order in question gives effect to the policy decision of Ministry of Defence in correct perspective. The Army Headquarters which is obliged to give effect to order of said Ministry had rightly corrected its mistake. Thus, no ground for interference by this Tribunal on merits is made out. All the O.As are liable to be dismissed."

6. In the light of above discussions, we find no merit in the present O.A. and accordingly the same is dismissed with no order as to costs.


Member (A)


Member (J)

/M.M./