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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 334 of 1990

Date of Decision : 29.4.1991

Rabindranath Sahu & others ... Applicant

Versus

Union of India & others ... Respondents

For the applicant ... M/s. B.B. Ratho, B.N. Rath,
K.B. Panda, B. Senapati,
S.N. Mohapatra & J.N. Rath,
Advocates

...

For the respondents M/s. P.N. Mohapatra,
S. Biswal, Addl. Standing
Counsel (Central)

C O R A M

HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to the reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

J U D G M E N T

B.R. PATEL, VICE CHAIRMAN, The applicants, thirteen in number, are defence workers and are working in various trades such as Carpenter, Plumber, Fitter etc. in the Military Engineering Service under the Ministry of Defence commonly known as MES.

[Signature]

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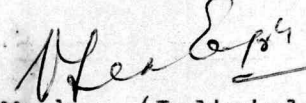
The Ministry of Defence set up an Expert Classification Committee (The Committee for Short) in terms of the recommendation of the 3rd Pay Commission. According to the recommendations of the Committee, the applicants were categorised as Semi-skilled which carried the pay scale of Rs.210 - 290. The pay scales of Semi-skilled and Skilled has stated in Annexure - I, Defence Workers Bulletin of November, 1981. Against such categorisation, a challenge was made in the Hon'ble Supreme Court. While the matter was under consideration of the Supreme Court, an Anomolies Committee was set up by the Government to go into this question. The Anomolies Committee after due deliberation recommended for treating the trades of the applicants as skilled which carried the pay scale, of Rs.260 - 400/-. This recommendation was accepted and was given effect to from 25th October, 1984. Those who were earlier declared as skilled had not given the pay scale from 15th October, 1981. This decision of the Government to give the pay scale to the trades of the applicants from a later date gave rise to another grievance and the petition which was pending before the Hon'ble Supreme Court was amended by inserting a prayer for equal treatment so far as the date of giving effect to the pay scale of Rs.260 - 400/- was concerned. The Supreme Court in their judgment in the writ petitions nos. 12259 - 12266 of 1984 delivered on 15th October, 1981 reported in AIR 1989 Supreme Court

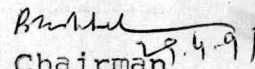
Amended

(Bhagaban Saha & Others - Vrs. - Union of India)

listed the trades which were upgraded by the President with effect from October, 1984. Trades listed include the trades of the applicants. In Para - 11 of the judgment, the Supreme Court decided that unless the trades mentioned in Paragraph -6 were given the benefit of the pay scale with effect from October, 1981, provisions of Article 14 & 16 of the Constitution of India will be violated. As the matter has been decided by the Supreme Court, there is no escape from giving the applicants this pay scale of Rs.260 400/- from October, 1981 instead of October, 15, 1984, as has been given to the employees of the Government in the Skilled grade.

2. Mr. Biswal, learned Addl. Standing Counsel for the respondents has ^{strenuously} ~~steroneously~~ contended that as the applicants were not before the Supreme Court, they are not entitled to the benefit allowed by the judgment of the Supreme Court. We are unable to agree with Mr. Biswal because that would definitely give rise to discrimination between two ^{groups} ~~status~~ of employees similarly circumstanced. The Supreme Court judgment should be implemented, also, with regard to the applicants, as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. The case is accordingly disposed of. No costs.


Member (Judicial) 19-4-91


Vice Chairman 19-4-91



Central Administrative Tribunal
Cuttack Bench, Cuttack
April, 20, 1991, / B.K. Sahoo