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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 258 OF 1994.
Cuttack, this the 23rd day of May, 2000.

JUDHISTIR PRADHAN & ORS.

APPLICANTS.

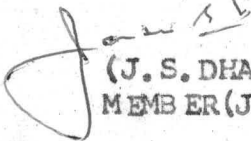
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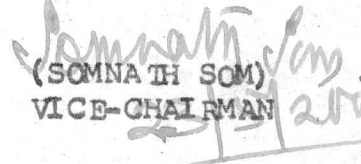
UNION OF INDIA & ORS.

RESPONDENTS.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No


(J. S. DHALI WAL)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 258 OF 1994.
Cuttack, this the 23rd day of May, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE- CHAIRMAN

AND

THE HONOURABLE MR. J.S. DHALIWAL, MEMBER (JUDICIAL).

....

1. Judhistir Pradhan,
S/o. Lingaraj Pradhan,
Presently working as Wireman,
Ticket No. 30,
Electrical Maintenance Section.
2. Pramod Kumar Nanda,
S/o. Uchhab Nanda,
present working as Instrument Fitter,
Ticket No. 55,
Electrical Maintenance Section.
3. Sunil Kumar Panigrahi, S/o. Dasarathi Panigrahi,
presently working as General Fitter, Ticket No. 69,
Electrical Maintenance Section.
4. M. Srinibas, S/o. M. V. Swamy, presently working as
Air Condition Fitter, Ticket No. 48, Electrical
Maintenance Section.
5. Ashok Kumar Behera, S/o. Harihar Behera,
presently working as Wireman, Ticket No. 37,
Electrical Maintenance Section.
6. K. Srinibas, S/o. K. S. Naidu, presently working as
Cabule Jointer, Ticket No. 57, Electrical
Maintenance Section.
7. K. N. Singh, S/o. late Sati Singh, presently
working as Wireman, Ticket No. 36, Electrical
Maintenance Section.
8. Khalia Sethi, S/o. Lokanath Sethi, presently
working as Wireman, Ticket No. 40, Electrical
maintenance Section.
9. Damodar Sahu, S/o. Bishi Sahu, Presently working as
Cabule Jointer, Ticket No. 53, Electrical Maintenance
Section.
10. Susanta Kumar Khamari, S/o. Balaram Khamari, Air
Condition Fitter, Ticket No. 50, Electrical
Maintenance Section.

11. Jaya Bihari Dalai, S/o. Bhagaban Dalai, Presently working as Wireman, Ticket No. 34, Electrical Maintenance Section.
12. Madhabananda Barik, S/o. Jugal Kishore Barik, Presently working as Instrumenter Fitter, Ticket No. 56, Electrical Maintenance Section.
13. Minaketan Panda, S/o. Gobinda Chandra Panda, presently working as Air Condition Fitter, Ticket No. 51, Electrical Maintenance Section.
14. Saroj Kumar Rath, S/o. R. N. Rath, Presently working as Air Condition Fitter, Ticket No. 47, Electrical Maintenance Section.
15. Banamali Deep, S/o. Rupa Deep, presently working as Wireman Ticket No. 39, Electrical Maintenance Section.
16. Krupasindhu Nanda, S/o. K. C. Nanda, Presently working as General Fitter, Ticket No. 81, Civil Maintenance Sec.
17. Jagadish Chandra Subudhiray, S/o. D. Subudhi Ray, presently working as General Fitter, Ticket No. 75, Civil Maintenance Section.
18. Jayakrishna Baghel, S/o. Bamadev Baghel, Instrument Fitter, Ticket No. 69, Civil Maintenance Section.
19. Basanta Kumar Mohanty, S/o. Kumara Mohanty, Presently working as Air Condition Fitter, Ticket No. 02, Project Works Section.
20. Deetikrushna Sahu, S/o. Kalindri Sahu, Presently working as Boiler Attendant Ticket No. 06, Plant and Machinery-I Section.
21. Chitaranjan Dash, S/o. Braja Kishore Dash, Presently working as Building Worker, Ticket No. 14, Production-II Section.
22. Kali Charan Mohanty, S/o. Kinu Charan Mohanty, Presently working as Aircondition Fitter, Ticket No. 02, plant & Machinery -I Section.
23. Muralidhar Pradhan, S/o. Billi Pradhan, presently working as Examiner, Ticket No. 4, Inspection section.
24. Ambruse Tiggar, S/o. Laurence Tiggar, presently working as General Fitter, Ticket No. 4, Plant and Mechanical -II Section.

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25. Jayanta Moharana, S/o. Khali Maharana, presently working as Boiler Attendant, Ticket No. 3, Plant & Machinery-II, Section.
26. Ananda Bhoi, S/o. Dayanidhi Bhoi, presently working as General Fitter, Ticket No. 77, Civil Maintenance section.
27. Surendra Behera, S/o. Sarathi Behera, Presently working as General Fitter, Ticket No. 78, Civil Maintenance sec.
28. Hari Charan Patnaik, S/o. Sadhu Charan Patnaik, Pipe Fitter, Ticket No. 70, Civil Maintenance section..
29. N. C. Dalabehera, S/o. Mungulu Dalabehera, presently Working as Wireman, Ticket No. 43, Electrical Maintenance section.
30. Rama Chandra Tripathy, S/o. Late B. Tripathy, Pipe Fitter, Ticket No. 71, Civil Maintenance Section.
31. Bheladhar Chhatria, S/o. P. M. Chhatria, presently working as General Fitter, Ticket No. 79, Civil Maintenance section.
32. Manabodh Budek, S/o. Late Durlav Budek, presently working as General Fitter, Ticket No. 74.
33. Sankar Mallik, S/o. Kumar Mallik, presently working as Pipe Fitter, Ticket No. 73, Civil Maintenance section.
34. Pabitra Naik, S/o. Lakyapati Naik, presently working as General Fitter, Ticket No. 80.
35. Deeptimaya Naik, S/o. Bidya Bhushan Naik, presently working as Auto Fitter, Ticket No. 9, Motor Transport Section.
36. Arakhit Panigrahi, S/o. Kunjabihari Panigrahi, Auto Fitter, Ticket No. 10, Motor Transport Section.
37. Gatikanta Pattanaik, S/o. Maheswar pattanaik, presently working as Auto Fitter, Ticket No. 11, Motor Transport Section.
38. Debendra Kumar Sahoo, S/o. Narahari Sahoo, Presently working as Auto Fitter, Ticket No. 18 Motor Transport Section.
39. Bideshi Bhoi, S/o. Thusuru Bhoi, Presently working as Welder, Ticket No. 19, Motor Transport Section.
40. Basanta Kumar Pattnaik, S/o. Kasinath Pattanaik, presently working as Wireman, Ticket No. 26, Electrical Maintenance Section.
41. Nimai Charan Deep, S/o. Suratha Deep, Presently working as Wireman, Ticket No. 29, Electrical Maintenance Section.
42. Pradyuma Behera, S/o. Dhaneswar Behera, Presently working as Air Condition Fitter, Ticket No. 4, Plan and Machinery-I Section.
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43. Tushar Kanta Samantaray, S/o. Late Baishnab Chandra Samantaray, Presently working as Pipe Fitter, Ticket No. 3, Engineering Project Section.
44. Banamali Bhua, S/o. Natha Bhua, Presently working as General Fitter, Ticket No. 82, Civil Maintenance section.
45. Kumuda Ranjan Panda, S/o. Padmanava Panda, Instrument Fitter, Ticket No. 54, Electrical Maintenance section.
46. Banshidhar Satapathy, S/o. Late Rankamani Satapathy, Wireman, Ticket No. 41, Electrical Maintenance Section.
47. Nabaghan Behera, S/o. Late Iswar Behera, Presently Working as General Fitter, Ticket No. 76, Civil Maintenance Section.
48. Nagendra Kumar Badu, S/o. Nabakishore Badu, presently working as Wireman, Ticket No. 35, Electrical Maintenance Section.
49. Basant Kumar Hota, S/o. Bidyadhar Hota, Wireman, Ticket No. 31, Electrical Maintenance Section.
50. Febian Tirkey, S/o. John Tirkey, General Fitter, Ticket No. 7, Civil Maintenance Section.
51. Soumendra Kumar Pattanaik, Welder Ticket No. 2, Plant & Machinery-II Section.
52. Biswanath Bhoi, S/o. Prasad Bhoi, Presently working as Wireman, Ticket No. 27, Electrical Maintenance Section.
53. Ashok Chandra Dash, S/o. Late Sarat Ch. Das, Air Condition Fitter, Ticket No. 52, Electrical Maintenance Section.
54. Nageswar Pattnaik, S/o. Late B. G. Pattnaik, Presently Working as Pipe Fitter, Ticket No. 72, Civil Maintenance Section.
55. Alok Ranjan Mohapatra, S/o. Bhagaban Mohapatra, Presently working as Wireman Ticket No. 42, Electrical Maintenance Section.
56. Sudarsan Sahu, S/o. Hari Mohan Sahu, Danger Building Worker, Ticket No. 1, Production-II Section.
57. Kamal Majhi, S/o. Late Sakti Majhi, Danger Building Worker, Ticket No. 2, Production Section-II.
58. Amen Dadel, S/o. Pritam Dadel, Danger Building Worker, Ticket No. 18, Plant & Machinery-II, Section.
59. Namjan Topno, S/o. Binod Topno, Presently working as Danger Building Worker, Ticket No. 60, Administration Section.
60. Ganesh Chandra Panda, S/o. Late Pitabas Panda presently working as Electrician Ticket No. 2, Electrical Maintenance Section.

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61. Hemraj Majhi, S/o. Gobinda Majhi, Electrician, Ticket No. 4, Electrical Maintenance Section.
 62. Ratnakar Nayak, S/o. Prahallad Nayak, Electrician, Ticket No. 14, Electrical Maintenance Section.
 63. Tushar Samal, S/o. Dharmu Samal, Electrician, Ticket No. 16, Electrical Maintenance Section.
 64. Chhabil Patel, S/o. Hrudananda Patel, Electrician, Ticket No. 3, Electrical Maintenance Section.
 65. Md. Sabhan, S/o. Md. Hafiz, Presently working as wireman, Ticket No. 13, Electrical Maintenance Section.

All working at Ordnance Factory, Badamal, At/Po-Badamal, District-Bolangir.

.... APPLICANTS.

By legal practitioner : xxx xxx

- VERSUS -

1. Union of India represented through its Secretary to Government of India, Ministry of Defence, New Delhi.
2. The Chairman, Ordnance Factories Board, 10-A, Auckland Road, Calcutta.
3. General Manager, Ordnance Factory, At/Po. Badmal, Dist. Bolangir.

... RESPONDENTS

By legal practitioner : Mr. A. K. Bose, Senior Standing Counsel (Central).

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

S. Som.

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, 65 applicants, who have been permitted in order dated 13-5-1994 to file this application jointly, have prayed for a direction to the Respondents to fit the applicants in the skilled category on the dates on which the applicants have completed two years of service in semi-skilled grade alongwith arrears of pay and allowances on such fitment.

2. Applicants' case is that they were appointed in Ordnance factory, Badamal in Semi skilled category on different dates during the year 1990 to 1992 except applicant No. 50 who was appointed on 14th of July, 1989. Applicants have stated that in accordance with the circular dated 15.10.1984, Government in consideration of the recommendation of the anomaly committee have decided that certain semi-skilled category of posts in the scale of Rs. 210-290/- should be upgraded to the skilled category with the scale of Rs. 260-400/-. Apart from the 23 trades which have been mentioned in the order, it was also provided that direct recruits with ITI certificate/Ex-trade Apprentices/NCTVT etc. who have been inducted in the semi skilled grade and who have rendered two years service in the grade, would also be treated as Skilled Category. Grievance of the applicants is that they joined as direct recruits in the semi-skilled category with the necessary certificates and therefore, by virtue of the circular dated 15-10-1984, they should have been automatically fitted in the skilled category with effect from the date they have completed two years of service.

3. Respondents have filed counter opposing the prayer of the applicants. They have stated that another circular came into force w.e.f 6.7.1989 which has been circulated in order dated 28.7.1989. Respondents have stated that with effect from coming into force of the order dated 6.7.1989, the earlier circular dated 15.10.1984 is no longer in force. According to the circular, all promotions from Semi-skilled to skilled category could be made only after the concerned employees have passed the trade test and have been cleared by the D.P.C. It is further stated that all the applicants have joined after 6.7.1989 and therefore, are governed by the circular issued on 6.7.1989. On the above grounds,

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the Respondents have opposed the prayer of the applicants.

Respondents have further stated that in the meantime, except applicants whose names appear at Sl.Nos. 46 and 59 and who did not have the NCTVT Certificate and have also not completed the requisite prescribed period of qualifying service, others have been promoted to the Skilled Category after completion of the minimum required period of qualifying service on passing the trade test. On the above grounds, the Respondents have opposed the prayer of the Applicants.

4. It is clear from the pleadings of the parties that with effect from coming into force of the order dated 6.7.1989, the earlier circular dated 15.10.1984 is no longer in force and therefore, there was no automatic fitment to skilled category merely on completion of two years in the semi-skilled category. Instructions which were in force at the time of applicants' initial appointment clearly provided that a Semi-skilled workman for promotion to skilled grade will also be required to pass the trade test. The movement of NCTVT and IIT certificate holders and non-NCTVT/IIT certificate holders from semi-skilled grade to skilled grade will be after completion of 2 years and 3 years qualifying service respectively in the semi-skilled grade subject to their passing the trade test.

5. In view of this, we hold that the claim of the applicants for automatic fitment in the higher grade after two years of service in the semi-skilled category is without any merit and the same is rejected.

6. In the result, therefore, the Original Application is rejected but in the circumstances without any order as to costs.

(J. S. DHALIWAL)
MEMBER (JUDICIAL)

KNM/CM.

(SOMNATH SOM)
VICE-CHAIRMAN

23/5/2000