

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

**ORIGINAL APPLICATION NO. 240 OF 1995
Cuttack this the 3rd day of August/2000**

Padmalochan Das & another ... Applicant(s)

VERSUS-

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)

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

G. NARASIMHAM
(G. NARASIMHAM)
MEMBER (JUDICIAL)

S. SOMNATH SOM
(SOMNATH SOM)
VICE-CHAIRMAN
S. S. S. S. S.

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ORIGINAL APPLICATION NO.240 OF 1995
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CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

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1. Padmalochan Das, aged 52 years,
Son of Late Chakradhar Das
T. No.566, Tradesman 'E'
Proof & Experimental Establishment
Chandipur, Balasore
2. Kishore Chandra Das, aged 54 years,
Son of Late : Rama Chandra Das
Buruha, Balasore - working as
Tradesman 'E', T. No.430,
Proof & Experimental Establishment
Chandipur, Balasore

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Applicants

By the Advocates

M/s. B.K.Sahoo
S.K.Sahoo
S.K.Mohapatra

-VERSUS-

J.Som.

1. Union of India represented by
Scientific Adviser to the Ministry
of Defence and Director General
Research and Development Organisation,
Ministry of Defence, DHQ.,
New Delhi-110011
2. Commandant, Proof & Experimental
Establishment, Chandipur, Balasore
3. Joint Controller of Defence
Accounts, O.T.Road, Balasore

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Respondents

By the Advocates

Mr. S.B. Jena
Addl. Standing
Counsel (Central)

2
O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, two petitioners have prayed for a direction to respondents to upgrade them to the level of Tradesman 'E' with effect from 16.10.1981 and to Tradesman 'C' with effect from 15.10.1984 along with consequential benefits.

2. Shortly stated the case of the applicants is that they were initially appointed as Un-skilled Labourers in the year 1968 and during the years 1973 - 1979 they were given duty in the Ammunition Wing for which they were paid special allowance of Rs.10/- per month as Ammunition Allowance. After 1979 they were posted in T & E Wing and special allowance of Ammunition was stopped. But again on the recommendation of the Board on their representations Ammunition Allowance was given to them with effect from 6.6.1984. During the intervening period from May, 1982 to May, 1986, the petitioners were placed away from Ammunition Wing and they were deprived of the said ammunition allowance of Rs.10/- per month whereas other employees, who were juniors to the applicants were allowed to continue in the said Wing and continued to get the ammunition allowance. They have stated that Government of India basing on the recommendations of the Expert Classification Committee recommended by the 3rd Pay Commission approved five pay scales for Industrial Workers. The Committee also recommended for upgradation some of the un-skilled category to semi skilled category and fitment of such persons in the scale of Rs.210/- 290/- instead of earlier un-skilled scale of Rs.196 - 232/-. Applicants have stated that in pursuance of that, labourers who were in the pay scale of Rs.196 - 232/- in the un-skilled category were fitted in the scale of Rs.210-290/- and this order was given effect to from 16.10.1981 vide Annexure-1. The Government of

11

India also clarified in letter dated 18.2.1986 at Annexure-2 that such of the labourers, who were employed in Ammunition/heavy duty and were in the scale of Rs.196 - 232 + Ammunition Allowance of Rs.10/- per month should be brought over to the scale of Rs.210 - 296/-. Applicants have further stated that consequent upon the decision of the Government to upgrade some semi-skilled (Tradesman 'E') to the skilled category (Tradesman 'C') some of their juniors were upgraded, but they were not upgraded. The matter went to Anomaly Committee. They have also referred to litigations in different Benches of the Tribunal and ultimately order dated 13.11.1993 of the Government of India in which as a one time measure Tradesmen in category 'E' were ordered to be upgraded to category 'C' with effect from 15.10.1984. Applicants have further stated that as a result of this order Tradesmen in the scale of Rs.210-296/- as on 15.10.1984 were fitted in the scale of Rs.260 - 400/-, i.e. Tradesman 'C', but these benefits were denied to them. In the context of the above facts they have approached the Tribunal with the prayers referred to earlier.

3. Respondents have filed their counter opposing the prayer of the applicant. It is not necessary to refer to the various averments made in the counter because these will be considered at the time of grounds urged by the applicant in support of the prayer made in the Application.

4. Heard Shri S.B.Jena, learned Addl. Standing Counsel appearing for the Respondents and also perused the records.

5. The admitted position is that the benefit of one time upgradation of persons working in the category of Tradesman 'E' was allowed to such persons who were in position as Tradesman 'E' as on 15.10.1984. The applicants admittedly were not working as

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Tradesman 'E' as on 15.10.1984. Their case is that they should have been made Tradesman 'E' with effect from 16.10.1981 and had this been done at that time they would have come within the benefit of one time upgradation which was applicable to those Tradesman 'E' as on 15.10.1984. The applicants have urged several grounds in support of their contention that they should have been fitted in the category of Tradesman 'E' from 16.10.1981. We are not inclined to consider these arguments, because even granting the applicants' case that they should have been fitted in the category of Tradesman 'E' on 16.10.1981, they ought to have approached the Tribunal within the period of limitation as prescribed under Section 21 of (the A.T.) Act, 1985. But they have come up in this Original Application for such fitment only in 1995. Their prayer for fitment as Tradesman 'E' with effect from 16.10.1981 is grossly barred by limitation as a consequence of which it must be held that they were not in the category of Tradesman 'E' as on 15.10.1984 and therefore, their claim for giving them one time upgradation is also held to be without any merit and the same is rejected.

In the result we hold that the applicants are not entitled to any of the reliefs prayed for by them in this O.A. The O.A. is therefore, held to be without any merit and the same is rejected, but without any order as to costs.

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(G.NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO//

SOMNATH SOM
(SOMNATH SOM)
VICE-CHAIRMAN
B.K.SAHOO