

No. O.A. 1441 of 1996.

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH.

Present : Hon'ble Dr. B.C.Sarma, Member (A)  
Hon'ble Mr. D. Purakayastha, Member (J)

1. TULSI SAMADDAR ;
2. NAKUL CHANDRA SAMANTA ;
3. ASHOK KUMAR DAS ;
4. ASHIS SARKAR ;
5. SUSANTA DAS ;
6. ASIT KUMAR GHOSH ;
7. UDAY NARAYAN PRASAD ;

.... Applicants.

Vs.

1. Union of India, through the Secretary,  
Govt. of India, Min. of Defence Production,  
New Delhi.
2. Chairman, Ordnance Factory Bord,  
Auckland Place, Calcutta-1.
3. General manager, Gun & Shell Factory,  
Cossipore, Calcutta - 2.

... Respondents.

For applicants : Mr.M.M.Mullick, Counsel.  
Mr. T.K.Biswas, Counsel.

For respondents : Ms. U.Sanyal, Counsel.

Heard on : 31.12.96 :: Ordered on : 31.12.96.

O R D E R

B.C.Sarma, AM.

This application has been filed by seven applicants who are functioning as Tracer in the Gun & Shell Factory, Cossipore, Calcutta under the respondents. They are aggrieved by the fact that the benefit of the Office Memorandum of the Min. of Finance, Deptt. of Expenditure No.F.5(59)E-III/82, dt. 13.3.84 and OM.No.13(I)-IC/91, dt. 19.10.94 has not been extended to them. They are also aggrieved



by the impugned order passed by the Min. of Defence, Deptt. of Defence Production & Supplies, No.52(2)/96/III/A/D(Fy.II) dt. 1.7.96 whereby their case was not considered by the respondents. The applicants are also aggrieved by the fact that even after the judgement of the Hon'ble Apex Court passed in the Civil Appeal No.1433 of 1995 on 20.7.95, the respondents have not extended the benefit to them. The applicants further contend that they have filed a representation dated 7.10.96 praying for extension of the said benefit which was extended to other offices/wings/organizations of the Govt. of India by which revised scales of pay of all categories of Draughtsman/ Tracers Grades I, II and III were covered.


2. When the admission hearing of the matter was taken up today, Mr.U.Sanyal, ld. counsel, appearing for the respondents submitted that she ~~does~~ not have any specific instruction in the matter particularly whether the representation filed by the applicants in October, 1996 has since been disposed of. She also submitted that since the matter is being disposed of at admission stage, the respondents have not got the opportunity to deny the allegations made in the application. She also submitted that almost immediately after filing of the representation, the applicants have ~~reached~~ to this Tribunal for filing this case.

3. Mr. M.M.Mullick, ld. counsel, appearing for the applicants submitted ~~elaborately~~ on the basis of the Supreme Court judgement passed in the Civil Appeal. According to Mr. Mullick, Hon'ble Apex Court has upheld the decision of the Tribunal to the effect that the Tracer cannot be treated differentially than the Draftsman Gr.III of the C.P.W.D. in the which organization the post of Tracer has been re-designated as Draftsman Gr.III. Mr. Mullick, therefore, submits that the applicants are entitled to the benefit.

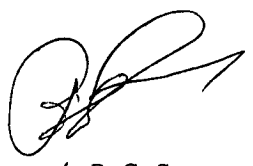
4. We have considered the submissions made by both the parties, and perused records. We are of the view since the representations are <sup>and</sup> still pending before the Government, the applicants have come before this Tribunal without waiting for the result of the representation, appropriate order to be passed in this case will be to give suitable direction in the matter.



5. In view of the above, the application is disposed of at the stage of admission itself with the order that the respondents shall, within a period of four months from the date of communication of this order, consider the representation filed by the applicants on 9.10.96 (annexure-VI) and shall dispose it of according to rules, and keeping in view the observations made by the Tribunal in this case. The result of the said consideration shall be conveyed to each of the applicants within a period of one month thereafter and we also direct that the respondents shall pass a speaking order after consideration of the representation. No costs.



( D. PURAKAYASTHA )  
MEMBER (J)



( B.C.Sarma )  
MEMBER (A)