CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH,
JODHPUR.

Date of decision : April 4, 2007

CORAM : HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN (JUDICIAL) &
HON'BLE MR. R.R.BHANDARI, ADMINISTRATIVE MEMBER.

(I) O.A.No.79 of 2005

1. Koja Ram S/o Shri Narayan Ram, Aged about 44 years, T.No.2676, Resident of Meghwalon Ka Bas, Surya Nagar, Banad, Jodhpur.
2. Choga Ram S/o Shri Nar Singh, aged about 52 years, T.No.1786 Resident of Nehru Colony, Baqqi Khana, Ratanada, Jodhpur.
3. Shakil Ahmed S/o Shri Maqbool Ahmed, T.No.2705, aged about 40 years, Resident of House No.4A, Agar Chand Fateh Chand Colony, Jodhpur.
4. Rewat Ram S/o Shri Hara Ram, T.No.2706, aged about 38 years, Resident of Shivaji Nagar, Magra-Punjla, Jodhpur. (All applicants working as chuklar in the office of the Commandant, 6 F.O.D. C/o 56 A.P.O.

... Applicants

Versus

1. Union of India through the Secretary to Government, Ministry of Defence, Raksha Bhawan, New Delhi.
2. The Commandant, 6 F.O.D. C/o 56 A.P.O.

.... Respondents

(II) O.A.No.80 of 2005

1. Umrao Singh S/o Shri Gyad Singh, aged about 53 years, T.No.1756.
2. Tara Chand S/o Shri Panna Lal, aged about 48 years, T.No.1781.
3. Hanuman Ram S/o Shri Kajod Ram, aged about 56 years, T.No.2201.
4. Hukma Ram S/o Achla Ram, aged about 41 years, T.No.2687.

All applicants are working as a Rop Worker under the office of the Commandant 6 F.O.D. C/o 56 A.P.O.) Postal address of the applicants C/o Shri Umrao Singh, Ramdev Nagar, Near Rajasthan Hospital, Banad, Jodhpur.

... Applicants

Versus

1. Union of India through the Secretary to Government, Ministry of Defence, Raksha Bhawan, New Delhi.
2. The Commandant, 6 F.O.D.C/o 56 A.P.O.

... Respondents

(III) O.A.No.81 of 2005

1. Ganpat S/o Shri Budha Ram, aged about 54 years,T.No.1038.
2. Mohan Lal S/o Shri Teja Ram, aged about 39 years, T.No.1159.
3. Bhawani Singh S/o Shri Prabhu Singh, aged about 46 years, T.No.2686.
4. Kanhaiya Lal S/o Shri Ganesh Singh, aged about 48 years, T.No.1634.
5. Hanuman S/lo Shri Barishal, aged about 58 years, T.No.1754.

6. Balmukand S/o Shri Banshi Lal, aged about 56 years, T.No.1777.
7. Ram Jiya S/o Shri Ladu Ram, aged about 55 years, T.No.1232.
(All applicants working as Tent Mender under the office of the Commandant, 6 F.O.D. C/o 56 A.P.O. Postal address of the applicants, Harijan Basti, Raikabagh, Jodhpur.

... Applicants

Versus

1. Union of India through the Secretary to Government, Ministry of Defence, Raksha Bhawan, New Delhi.

3. The Commandant, 6 F.O.D.C/o 56 A.P.O.

.... Respondents

Present: Mr. Y.K. Sharma, Advocate, counsel for applicant.
Mr.Vinit Mathur, Advocate counsel for respondents.

O R D E R (ORAL)
KULDIP SINGH, V.C(JUDL.)

Since the question of facts and law involved in these O.As is common and as such these have been taken up for disposal by this common order.

The facts in brief are that the applicants in these O.As were appointed as Chuklar/Rop Worker/Tent Menders. It is submitted that these posts are skilled one and the applicants are discharging the duties of skilled post right from their appointment. The pay scale of the skilled post is Rs.260-400 (Rs.950-1500). The appointment of the applicants is governed by the Military Engineering (Industrial Class – III and IV Posts) Recruitment Rules, 1970. These rules do not provide for semi skilled posts and semi-skilled grade. Despite this, the respondent no.1 issued an order on 11.1.1985 making provision that the employees ~~that the employees~~ recruited on skilled post shall be given semi skilled grade for the first two years and only after completion of the two years, they will be given skilled grade.

It is pleaded that some other employees working as Tent Mender filed an O.A.No.762 of 2002 before the C.A.T. Principal Bench, New Delhi, which was allowed on 2.12.2002 (Annexure A-2) and a direction was issued to the respondents therein to fix the applicants in the pay scale of Rs.950-1500 i.e.

skilled grade. The Union of India filed a Writ Petition challenging the above order, which was dismissed. The respondents have implemented that order.

Applicants, on coming to know about that decision, submitted representations but they were informed that benefit can be given only to those who approached the Court and not to all persons. Thereafter, the applicants got issued a legal notice through their Advocate, Annexure A-4. The request of the applicants has been turned down vide Annexure A-1, on the ground that their categories is semi skilled category and as such they are not entitled to pay scale meant for skilled category.

By way of the present O.As the applicants have prayed for issuance of direction to the respondents to pay them pay scale of Rs.950-1500, as revised from time to time, from their initial appointment with arrears etc.

Respondents have filed a reply opposing the claim of the applicants. They submit that as per SRO 263, the applicants are governed by the Army Ordnance Corps (Civilian Class IV) Recruitment rules, 1971. Once they accepted their appointment in semi skilled category, they are estopped from challenging such action. The O.A.is otherwise barred by time.

We have heard learned counsel for the parties and perused the material on the file.

The sole argument advanced on behalf of the applicants is that their case is fully covered by the decision taken in O.A.No.762 of 2002 and as such the O.As are liable to be allowed. However, this was controverted by the learned counsel for the respondents who has submitted that subsequent to that decision the matter has been dealt with by the Central Administrative Tribunal, Allahabad Bench, Allahabad in O.A.No.668 of 2006 titled Baleshwar Pandey & Others Vs. Union of India & Others, decided on 24.11.2006, in which the decision in O.A.No.762 of 2002 has been considered and it has been observed that a Full Bench of this Tribunal has passed a detailed order on 20.6.2001 in similar matters holding that Tailors would not be upgraded as skilled workers. The observation of the Full Bench being relevant are reproduced as under:

"18. Thus, on the discussion above, we find that it is due to the mistaken advice 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 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".

In view of the decision of the observation by the Allahabad Bench that the Principal Bench of C.A.T. while deciding O.A,.No.762 of 2002 did not consider the decision of the Full Bench rendering its decision as per encuriam and once that is so, such a decision cannot be of universal application. In view of this the very base of filing these O.As falls to the ground. Learned counsel for the applicants has not produced any material to indicate that the category of applicants has been upgraded to skilled category.

In view of the above, these O.As are dismissed, leaving the parties to bear their own costs.

Sd/-
[R.R.Bhandari]
Member[A]

Sd/-
[Kuldip Singh]
Vice Chairman

HC*

CERTIFIED TRUE COPY
Dated 09.04.07

अनुभाग अधिकारी (न्यायि.)
Section Officer (Judl.)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जोधपुर न्यायपीठ, जोधपुर
Jodhpur Bench, Jodhpur.

Part II and III destroyed in my presence on 03-6-14 under the supervision of section officer ( ) as per order dated 26-3-14.

Section officer (Record)

RJ COPY
18/4/07

9/4/14