

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 573 of 2006

Wednesday, this the 14 th day of November, 2007

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

1. T.R.Santhosh,
S/o Rajappan, Processing Worker,
Integrated Fisheries Project, Kochi – 16.
Residing at: Thachengathu House,
Edavanakkad P.O.,
Ernakulam District.
2. P.R.Radha, D/o Raghavan,
Processing Worker,
Integrated Fisheries Project, Kochi – 16.
Residing at: Pulimuttathuparambu,
Girinagar Colony,
Kadavanthra.
3. M.N.Remani, W/o Venu,
Processing Worker,
Integrated Fisheries Project, Kochi – 16.
Residing at: Kanjirakkottuparambil House,
Irimpanam P.O.,
Thripunithura. Applicants

(By Advocate Shri T.A.Rajan)

Vs.

1. Union of India represented by the
Secretary to Government of India,
Ministry of Agriculture,
Department of Animal Husbandry &
Dairying, Krishi Bhavan,
New Delhi.
2. The Director,
Integrated Fisheries Project,
Kochi – 16. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 14.11.2007
the Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicants are working as Processing Workers in the Integrated Fisheries Project. They seek the following reliefs:

- i) To declare that the Processing Workers of IFP including the applicants are entitled to get the different grades recommended by the V Pay Commission to the Workshop staff.
- ii) To direct that the non-granting of the different grades recommended to workshop staff by the V pay Commission to the applicants and similar other Processing Workers of IFP as illegal.
- iii) To direct the respondents to grant the different grades recommended by the V Pay Commission to the applicants in accordance with their seniority and also direct to give all the consequential benefits, including the difference in arrears of pay at the earliest.
- iv) To direct the Ist respondent to consider and dispose of Annexure A8 representation of the Ist applicant and similar representation of other applicants without further delay.
- v) Grant such other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- vi) Award costs of and incidental to this petition.

2. Earlier the Indo Norwegian Project Employees Association of Integrated Fisheries Project and two other similarly placed employees (Processing Workers) of IFP had approached this Tribunal in O.A.561/2000 for grant of Grade promotions on the basis of the recommendations of the V th Central Pay Commission's Report and it was disposed of vide order dated 30.5.2000 (Annexure A-4) directing the Ist respondent to consider the representation (Annexure A-6 in O.A.561/00) of the applicants therein. In pursuance of this order, the respondents have issued an order (Annexure-A5) dated 22nd August 2000 rejecting the representation on which, the applicants therein again filed O.A. 274/01 which was allowed with the following directions:

"In the light of the above facts and circumstances, we set aside the impugned A-8 order and direct the 1st respondent to have a comprehensive and judicious review of the matter of implementing a grade system for the Processing Workers on the basis of the facts considered while extending the benefit to Slipway Workers, Net makers/Menders etc. While reviewing the matter, the 1st respondent shall keep in mind the Vth Pay Commission's suggestions in paragraph 54.69 of A-1 and the specific recommendations of the 2nd respondent having regard to the latter's perceptions of the educational qualification, functions and skill levels required of the Processing Workers. The first respondent is directed to pass consequential orders within a period of four months from the date of receipt of copy of this order. There is no order as to costs."

3. Accordingly, the respondents have passed A-7 order dated 3.5.2004 granting three different scales of pay to the Processing Workers. The three applicants in the present O.A. are also Processing Workers. They have come before us stating that in Annexure A-7 order the respondents have not taken into consideration the recommendations of the Vth Central Pay Commission as regards Workshop Staff and that this Tribunal had already declared in the order in O.A.274/2001 (Annexure A-6) that, "**since the Processing Assistants are supervisory staff, the Processing Workers coming under them are also to be considered as Workshop Staff.**" The respondents in their reply statement have submitted that the processing workers of IFP are not categorized as Workshop Staff although the Processing Section is covered under the Factories' Act.

4. Counsel for the applicant submits that, this issue has already been discussed in detail in the previous O.A.(274/01) and the respondents are bound to implement the order of the Tribunal taking into account the recommendations relating to the Workshop Staff as contained in para 54.18 of the Vth Central Pay Commission. It is clear from para 54.18 of the Report, which is reproduced below:

"54.18. We have considered these arguments and find that there is some truth in them. Accordingly, we propose to abolish the nomenclature of 'Unskilled' from the dictionary of Government to emphasize the point that we do not consider any job, howsoever lowly, to be devoid of skills. Instead we suggest 'Sramik' to underline the fact that physical labour or 'Shrama' is the basic constituent of the skills used at that level. We also recommend that the two grades in highly skilled category be merged. This would ensure that artisans also progress directly from the grade of Rs.950-1500 to that of Rs.1320 – 2040."

As far as remaining skill classification is considered, we recommend that it be retained as under:-

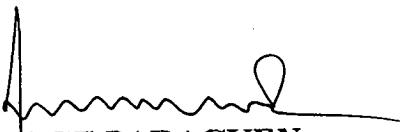
Existing	Recommended		
Classification	Pay Scale (Rs)	Classification	Pay Scale (Rs)
Unskilled	750-940	Shramik	750-940
Semi Skilled	800-1150	Skilled – II	800-1150
Skilled III	950-1500	Skilled -- I	950-1500
Highly Skilled/ Skilled	1200-1800	Highly Skilled	1320-2040
Highly Skilled/ Skilled	1320-2040		
Master Craftsman	1400-2300	Master Craftsman	1400-2300

5. From the facts on records it is seen that the A-7 order passed by the respondents has not considered the matter in its proper perspective and has not kept in view the directions of this Tribunal to take into account the functions, qualifications and skill levels of the Processing Workers and to grant them appropriate grades. It appears that the employees had given individual representation, in this matter. Annexure A-8 is one of those given by the 1st applicant. However, as the issue relates to the entire category of Processing Workers in the Unit, it would be advisable that a comprehensive representation is submitted by the Association and also by the individuals concerned to the 1st respondent through the 2nd respondent and the respondents shall consider the matter in the light of the recommendations of the Vth Central Pay Commission's Report and the order of this Tribunal in O.A. 274/01. The representations shall be made within two weeks from today and the respondents shall consider the same

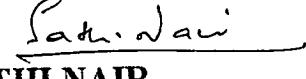
and pass a speaking order within a period of one month from the date of receipt of the representation.

6. O.A. is disposed of as above. No costs.

Dated the 14th November, 2007.



GEORGE PARACKEN
JUDICIAL MEMBER



Sathi Nair
SATHI NAIR
VICE CHAIRMAN

TV