

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.397/92.

Wednesday, this the 8th day of December, 1993.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

S/Shri

1. CS Subhagan, Sheet Metal Worker, Air Engineering Department, INS Garuda, Naval Base, Cochin.
2. VB Rajasekharan, Copper Smith, -do-
3. PT Xavier, Carpenter, Directorate of Installation and Naval Training, Naval Base, Cochin.
4. AN Mani, Carpenter, INHS Sanjivani, Cochin.
5. R Sivankutty Nair, USL, Air Engg Dept., Cochin.
6. P Rajendran, Tinsmith, INHS Sanjivani, Cochin.
7. TS Gopi, Auto Electrician, INS Venduruthy, Cochin.
8. PK Sujathan Pillai, Spray Painter, -do-
9. KK Ramanan, Carpenter, Air Engineering Department, INS Garuda, Cochin.
10. PP Sadanandan, Spray Painter, -do-
11. K Sukumaran, MT Clener, Motor Transport Department, INS Dronacharya, Fort Cochin.
12. Romey Correya, Driver Mobile Crane, -do-
13. VK Kunjappan, Fitter Auto, -do-
14. PA Baby Kutty, Tyreman, -do-
15. TK Gokuldas, Artist Painter, INHS Sanjivani, Cochin.
16. AN Vasanthakumar, Artist Painter, Air Engineering Department, INS Garuda, Cochin.
17. TA Jose, Turner (SK) -do-
18. KK Sasidharan, Artist Painter, Directorate of Installation and Naval Training, Naval Base, Cochin.
19. MG Sasidharan, Brush Painter, MT Section, INS Garuda, Cochin.
20. KX Joseph, Driver, Crane Mobile, Motor Transport Department, INS Garuda, Cochin.
21. KV John, Fitter Auto, -do-
22. P Sethumadhavan, Fitter Auto, -do-
23. P Yohannan, Brush Painter, -do-
24. Abraham Joseph, Fitter Auto Electric, -do-
25. PK Damodaran Nair, -do- -do-
26. EK Kunjikrishnan, -do- -do-
27. KA Saidu Mohammed, Driver Crane Mobile, -do-
28. CS Vinod, -do- -do-
29. R Chellappan, -do- -do-
30. V Parameswaran Nair, Fitter Auto, -do-

contd.

31. Saraschandran Nair, Fitter Auto, Motor Transport Department, INS Venduruthy, Cochin.
32. M Paul Raj, Driver Crane Mobile, -do-
33. PA Antony, Fitter Auto, Motor Transport Department, INHS Sanjivani.
34. Baby Mathew, Fitter Auto, -do-
35. PK Sivan Pillai, Fitter Auto Electric, Motor Transport Department, INS Venduruthy.
36. PC John, MT Cleaner, -do-
37. Sajan Sebastian, MT Cleaner, -do-
38. KJ Xavier, Fitter Auto, -do-
39. PA Sreedharan, Tyreman, -do-
40. A Gopalan, MT Greaser, Motor Transport Department, INS Garuda, Cochin.
41. MP Somasekharan Nair, MT Cleaner, -do-
42. K Sadanandan, Tyreman, -do-
43. VA Xavier, Labourer (TDM), Air Electrical Department, INS Garuda Cochin.
44. MK Muraleedharan, Labourer (TDM), Motor Transport Department, INS Garuda, Cochin.
45. KA Bawa, Labourer (TDM), Air Engineering Department, INS Garuda, Cochin.
46. N Kuttan Pillai, Labourer, Air Engineering Department, INS Garuda, Cochin.
47. PS Abbas, Labourer, Air Traffic Control Section, INS Garuda, Cochin.
48. MF Joseph, Labourer, INS Dronacharya, Fort Cochin, Cochin,
49. CD Milton, Labourer, Directorate of Installation and Naval Training Naval Base, Cochin.
50. MJ Xavier, Labourer, Air Traffic Control, INS Garuda, Cochin.
51. Smt Maryamma Chackko, Labourer, Air Traffic Control, INS Garuda, Cochin.
52. Smt B Kamalamma, Labourer, -do-
53. Smt PB Usha, Unskilled Labourer, Air Electrical Department, INS Garuda, Cochin.

....Applicants

By Advocate Shri M Girijavallabhan.

Vs.

1. Union of India represented by Secretary, Ministry of Defence, New Delhi.
2. The Flag Officer Commanding-in-Chief, Headquarters, Southern Naval Command, Cochin.
3. Shri^{KK}/Joy, Sheet Metal Worker, Naval Ship Repair Yard, Cochin.
4. Shri VN Chellappan, Ship Wright, -do-

contd.

5. Shri TK Dasan, Coppersmith, Naval Aircraft Yard, Cochin.
6. Shri KK Sukumaran, Tinsmith, Command Naval Transport Workshop, Cochin.
7. Shri Stephen, MT Cleaner, Naval Store Depot, Cochin.
8. Shri PD Varghese, Fitter Auto, Naval Store Depot, Cochin.
9. Shri N Velayudhan, Tailor, Command Naval Transport Workshop, Cochin.
10. Shri Sasidharan, Driver Crane Mobile, Naval Ship Repair Yard, Cochin.
11. Shri Vijayakumar, Tyreman, -do-
12. Shri MK Velukutty, Brush Painter, -do-
13. Shri KA Ravindran, Spray Painter, Naval Aircraft Yard, Cochin.
14. Shri CK Saseendran, Labourer (SS), Command Naval Transport Workshop, Cochin.
15. Shri PV Damodaran, Blacksmith, -do-
16. Shri PP Sankara Narayanan, Turner, -do-

.....Respondents

By Shri K Karthikeya Panicker, Addl Central Govt Standing Counsel.

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN.

Applicants, fifty three in number, claim productivity linked bonus, for forty days based on Annexure A3. They have only been given bonus for twenty nine days, under Annexure A2. According to them, they are qualified for bonus under Annexure A3.

2. Respondents take the view that the matter is concluded by the pronouncement of the High Court of Kerala in OP 3457/80 and 3666/80 to which one of the applicants was a party. They would also say that Annexure A3 will govern only 'selected' and enumerated units. Admittedly, applicants do not work in one of the 'selected' or enumerated units under Annexure R2.

3. The core question is whether there is discrimination between two groups of employees covered by Annexure A2 & A3 and whether the classification thereunder is reasonable. As pointed out by the High Court in the judgement aforementioned, classification between

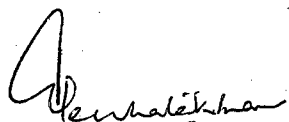
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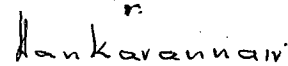
a 'production unit' and a unit that does not produce goods or material service, is a reasonable classification. Annexure A1 explains how productivity linked bonus is worked out and the basis therefor. It may be true that an employee in one unit may be transferred to another unit. Determination must be with reference to the unit and the nature of the work done by the unit, and not with reference to the employee.

4. We agree with the views of the High Court, and we see no good reason to take a different view. Benefits under Annexure A3 must be confined to those working in production units, and applicants who are working in other units cannot claim anything more than what Annexure A2 grants them.

5. Application is without merit, and it is accordingly dismissed. Parties will suffer their costs.

Dated the 8th December, 1993.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN