

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH  
CAMP AT NAGPUR

(12)

O.A. NO: 814/87

199

T.A. NO:

DATE OF DECISION 13.3.1992

Rashtriya Karmachari Union & Ors. Petitioner

Mr. M.M. Sudame

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. Ramesh Darda

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C. Srivastava, V/C

The Hon'ble Mr. M.Y. Priolkar, M(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? y
2. To be referred to the Reporter or not ? y
3. Whether their Lordships wish to see the fair copy of the Judgement ? N
4. Whether it needs to be circulated to other Benches of the Tribunal ? N

mbm\*

( U.C. Srivastava )  
V/C

(13)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY  
CAMP AT NAGPUR

\* \* \* \* \*

Original Application No.814/87

Rashtriya Karmachari Union (I) &  
139 others. ... Applicants

V/s

General Manager, Ordnance Factory  
Ambajhari, Nagpur & Ors. ... Respondents

CORAM : Hon'ble Vice-Chairman, Shri Justice U.C.Srivastava  
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

Mr. M.M.Sudame, Advocate  
for the applicants and  
Mr. Ramesh Darda, Counsel  
for the respondents.

ORAL JUDGMENT:

Dated : 13.3.1992

(Per. U.C.Srivastava, Vice-Chairman)

Rashtriya Karmachari Union (I), Ordnance Factory, Ambajhari, Nagpur, along with 139 employees of the said department has filed this application praying that the seniority list dated 1.7.86 of Examiners (Engg) Skilled in the Ordnance Factory, Ambajhari, Nagpur published/ exhibited along with letter dated 18.4.87 may be quashed and the seniority list of Examiners (Engg.) Skilled as on 1.7.1986 issued along with letter dated 14th September, 1986, be restored and further the communication dated 16.9.1987 issued by the General Manager, Ordnance Factory, Ambajhari may also be quashed and set aside. The communication dated 28.10.87 issued by the General Manager, Ordnance Factory, Ambajhari on the same line may also be quashed and it may be declared that the seniority granted to Respondent Nos. 4 to 33 that is those who have been working earlier in the Inspector of Armaments and on merger basis now have come to Ordnance Factory establishment is not in accordance with the spirit of recommendations of Expert Classification Committee or Anomalies Committee and the respondent No.1 may be directed to fix the seniority taking the base of

joining or assuming charge as Junior Examiner in the establishment of Ordnance Factory, Ambajhari of the applicants and of Junior Examiners in the establishment of Inspector of Armaments. The crux of facts are that applicants No.2 to 140 were appointed in the Ordnance Factory, Ambajhari, Nagpur between 1975 and 1979. But some of the applicants were appointed in the year 1981 and few in 1982 and in 1983 and four of them were appointed in the year 1984. ~~Although~~ Initially they were appointed as Junior Examiner. Commissions were appointed from time to time by the Government of India regarding the conditions of employees working in the various departments of Government of India including the Defence Department. After the recommendations of third Pay Commission because of some anomaly an Expert Classification Committee was appointed and the existing industrial workers in the Defence Department were divided into five categories viz. Unskilled, Semi-skilled, Skilled, High Skilled Gr.II and High Skilled Gr. I and a trade test was also prescribed. Thereafter letters were issued on the subject of fitment of Industrial workers of the Ordnance Factory Establishment in the pay scales recommended by the Expert Classification Committee. Along with this letter a list was published of various trade Examiners of various categories. Vide letter dated 15.2.1983 the decision of the Government to allow the fitment of workers in the trades upgraded from semi-skilled to skilled category without waiting for the identification of the viable feeder grades was conveyed and the matter has again engaged the attention from time to time of the Government and certain changes were effected and ultimately the matter was referred back to the Anomaly Committee and after the approval of the Anomaly Committee a particular decision was taken. After the recommendations of the Third Pay Commission the Inspector of Armaments in Ordnance Factory, Ambajhari,


were upgraded examiners working in the Inspector of Armaments into the category of skilled which action according to the applicants was wrong and against it they started their fight and ultimately landed in the High Court and thereafter in this Tribunal. This dispute was not only raised in this state but in various other states and ultimately went before the Supreme Court and this dispute has now been decided by the Supreme Court vide its judgment and order dated 31st July, 1991 in W.P. No.40 of 1991, Association of Examiners, Muradnagar Ordnance Factory vs. Union of India & Ors. The Court issued the following directions:-


" . . . . We would, therefore, direct the respondents to verify the service records of these employees and grant the benefit to those who were in position on 16th October, 1981 in the grade of Rs.210-290 by upgrading them to the skilled category of Rs.260-400 w.e.f. that date on the ratio of this Court's decision in Bhagwan Sahai Vs. Union of India (AIR 1989 SC 1215), vide paragraph 11 of the judgment. Those who were not in position as on 16th October, 1981 in the semi-skilled grade of Rs.210-290 will be entitled to placement in the skilled category of Rs.260-400 if they satisfy the requirements of Clauses 'a', 'b' and 'c' of Clause (IV) in Chapter X of the Anomalies Committee's report to the extent of its acceptance, with or without modifications, by the Government of India. This should be finalised not later than October 31, 1991."

Thus, the Anomalies Committee's report was accepted to the extent mentioned in the judgment. After getting the said judgment the General Manager issued a letter dated 30th October 1991 stating therein that in terms of judgment of Supreme Court dated 31.7.1991 and the Ordnance Factory Board, Calcutta Telex No.01/OFM/A/ECC dated 29 October 1991, the benefits of upgradation of pay scale from Rs.210-290

to Rs.260-400 have been granted to the Industrial Employees (petitioners only) shown in the Annexure to this Factory Order with effect from 16.10.1981 instead of 15.10.1984. As these employees have also approached this Tribunal and as the matter was pending obviously they will also be entitled to the benefits of the said judgment and accordingly a direction in terms of the judgment of the Supreme Court stated above was issued and the respondents are directed to implement the said judgment in respect of the applicants also as far as possible within a period of two months from the date of communication of this order.

In view of the directions given above, the respondents are further directed to reconsider the question of seniority in accordance with the directions given by the Supreme Court and as far as possible the question of seniority may also be determined. If the seniority has been issued and which is under challenge the list is to be revised and let it be revised. No order as to costs.

  
( M.Y. Priolkar )  
Member(A)

  
( U.C. Srivastava )  
Vice-Chairman

v/-