

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH  
CAMP AT NAGPUR

O.A. NO: 820/87

199

T.A. NO:

DATE OF DECISION 13.3.1992

Ayudh Nirmani Majdoor Sangh

Petitioner

Mr. Y.B. Phadnis

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, ~~XXX~~ M (A)

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

abm\*

( U.C. Srivastava )  
V/C

(15)

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

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Original Application No.820/87

Ayudh Nirmani Majdoor Sangh,  
Ordnance Factory, Ambazari, Nagpur

... Applicant

V/s

Union of India & Ors.

... Respondents

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

Appearances:

Mr. Y.B.Phadnis, Advocate  
for the applicant and  
Mr.Ramesh Darda, Counsel  
for the respondents.

ORAL JUDGMENT:

Dated : 13.3.1992

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

Ayudh Nirmani Majdoor Sangh, Ordnance Factory, Ambazari Defence Project, Nagpur which has given the list of the employees on whose behalf this application has been filed has approached this Tribunal praying that the second list of seniority is illegal and deserves to be quashed and the same may be set aside and the Respondent No.3 may be directed to call the employees for trade test according to the first seniority list and the revision of pay scales with effect from 16.10.81 on par with the staff of Inspectorate and consequential money benefits and the members of the applicant be brought on par with the respondents Nos. 6, 7, 8, 9 & other officials and consequential monetary benefits be granted by granting the arrears arising out of revision from 16.10.1981. Similar matter has come before us for disposal today in the case of Rashtriya Karmachari Union & Ors. Vs. General Manager, Ordnance Factory, Ambajhari, Nagpur ( O.A. 814/87). In that case we have taken into consideration the history of the case as stated by the applicant starting from

Third Pay Commission's report to Expert Classification Committee's Report and the Anomalies Committee's Report. The questions involved in the said case and this case are practically identical and accordingly we also dispose of this application in the ~~same~~ terms in which the other case was disposed of in view of the directions given by the Supreme Court in the case of Association of Examiners, Muradnagar Ordnance Factory vs. Union of India & Ors. (W.P.No.50 of 1991 decided on 31.7.1991) which reads as follows:-

"..... 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."

As the applicants have also claimed this relief and this relief was granted by the Supreme Court the respondents are directed to grant the same relief to the applicants. Further the applicants have claimed that so far as the trade test is concerned the trade test is to be taken in accordance with the first seniority list and not with the second seniority list. As per direction that their dates are the same and

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the Anomalies Committee's Report has been implemented obviously that requires revision of the seniority list in view of the placement and the grades and let the seniority list as far as possible be revised within a few months and after revision of the seniority list the question of trade test will also be considered by the respondents. No order as to costs.



( M.Y. Priolkar )  
Member(A)



( U.C. Srivastava )  
Vice-Chairman

v/-