

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY-400614

O.A. NOs. 229/86 and 320/86

O.A. NO. 229/86

Shri Ram Singh & 39 ors.
54 Budhwar Peth
Pune 411002

Applicants

V/s.

1. Union of India
Office of the Standing Counsel
for the Union of India
M.K. Marg
Bombay 400001
2. The Secretary
Ministry of Defence
New Delhi
3. The Director General of
Ordnance Services
New Delhi
4. The Commandant
Ordnance Depot
Talegaon Dabhade
Dist. Pune

Respondents

O.A. NO. 320/86

Shri V K Mohideen and one another
70 Market Road
Kirkee; Pune-411003

Applicants

V/s.

1. Union of India
Office of the Standing Counsel
for the Union of India
M. Karve Marg
Bombay 400011
2. The Secretary
Ministry of Defence
New Delhi
3. The Director General of
Ordnance Services
Army Headquarters
New Delhi 110011
4. The Commandant
Central AFV Depot
Kirkee; Pune-411003

Respondents

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Coram : Hon'ble Vice Chairman B C Gadgil
Hon'ble Member(A) P. Srinivasan

Appearances:

Shri J M Chitale
Advocate
for the Applicants
in both the cases

Shri J D Desai
(for Shri M I Sethna)
Advocate
for the Respondents

JUDGMENT

DATE : 29.3.1988

(PER: B C Gadgil, Vice Chairman)

These two matters can be conveniently decided by a common judgment.

2. The dispute is about the pay fixation of the Tailors working in the two organisations viz., Ordnance Depot, Talegaon Dabhade, Pune, and Central Army Fighter Vehicle Depot (CAFVD), Kirkee. Both the applications are filed by the concerned Unions. Subsequently the applications were amended so as to include the names of the Tailors who have a grievance about the pay fixation. OA 229/86 is thus an application by 40 applicants working with the Ordnance Depot at Talegaon while the other application OA 320/86 is by two applicants working in the CAFVD Kirkee. They are on the pay scale of Rs. 210-290 as they are treated as semi-skilled workers while they want that their pay scale ought to have been Rs. 260-400 as skilled workers. The dispute arises in the following manner: The Third Pay Commission recommended revised scales of pay for various grades of employees under the Central Government. The Pay Commission, however, observed that in respect of some categories of posts, job classification was not based upon any rational basis. -Therefore, to bring about rationality in job classification, an Expert Classification Committee was appointed and this Committee gave its report before 1.1.1981. But even after the report of the Expert Classification Committee (ECC) some anomalies were still found to exist in respect of job evaluation and at the instance of the All India

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Defence Employees Association, an Anomalies Committee was appointed which submitted its report in May 1984. The result of all this exercise was, inter alia, that in each organization workers were to be classified as "skilled workers" or as "semi-skilled workers". The Anomalies Committee was of the view that "if the nomenclature of the jobs is the same and the job content and skill required are comparable, the same pay scale should be operative uniformly in all Defence Establishments". For this purpose the Committee suggested that a job such as a Turner or Carpenter should be evaluated in one of the establishments for fixing the pay scale appropriate to it and the same pay scale should be made applicable to similar jobs in the other organizations without making a separate evaluation for the purpose. The applicants contend that in an organisation known as Electrical and Mechanical Engineering Workshop (EME) Tailors have been treated as skilled workers and placed in the scale of Rs. 260-400. Tailors working under the Director General of Ordnance Factories (DGOF) have also been placed in the same pay scale, while the applicants are treated "semi-skilled" and fixed in the scale of Rs.210-290. The applicants contend that they do the same work as is being done by the Tailors in EME and DGOF and that on the principle of 'equal pay for equal work' the pay scales of the applicants should have been upgraded to Rs.260-400. The applicants made certain representations to the authorities which were of no avail. Hence these applications.

3. The respondents resisted the applications by filing the reply. It is not disputed that the ECC was constituted to implement the revised scales recommended by the Third Pay Commission and that the ECC has compressed the then existing nine pay scales into five scales. It is also agreed that the Anomalies Committee recommended uniform scales of pay for posts with the same nomenclature and similar job content and requiring the same skills. Each job in an organisation had to be evaluated ~~by what was known as~~ ^{and classified by} "skilled" or "semi skilled". Jobs which obtained a point rating of 251

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and more were treated as "skilled" and those with a lower point rating were treated as "semi skilled". Tailors in other organisations referred to by the applicants were classified as "skilled" as their point rating was 251 or more and given the scale of Rs.260-400 while Tailors in the organisations in which the applicants are working were treated as "semi skilled", with a point rating below 251 and fixed in the scale of Rs.210-290.

4. Mr. Chitale for the applicants contended that the work which the applicants do is similar to the work that is being done by the Tailors in the EME and DGOF. It is mainly on this ground that the applicants should have been awarded the skilled grade of Rs.260-400. He relies upon the report of the Anomalies Committee. The relevant extract reads as follows:

"The Committee also felt, after the visits to the Establishments, that if the nomenclature of the jobs is the same and the job content and skill required are comparable, the same pay scale should be operated uniformly in all Defence Establishments. The Committee, therefore, was of the view that it was not necessary to study the job, say for instance, Turner or Carpenter in the EME and in the DGOF or in the MES separately as this would result, more or less in duplication of the work of the Committee without any commensurate results. In fine, for example, if a Moulder in the semi-skilled grade has been evaluated and elevated to the skilled category in the MES, then similarly placed Moulders of the corresponding scale, should be elevated to skilled grade in all other Defence Establishments".(emphasis supplied)

He argued that the nomenclature of the applicants is the same viz., that of Tailors and consequently the applicants should have been elevated to the skilled grade. In our opinion it will not be possible for the applicant to rely upon this report in as much as the report has not recommended that ~~the~~ nomenclature alone would be decisive. On the contrary the underlined portion from the above extract would show that in addition to the same nomenclature the job content and the required skill should be comparable. Thus it is necessary that

all the Tailors should be similarly placed in order to get the higher grade. There is nothing before us to suggest that the applicant Tailors are doing the type of Tailoring work which the Tailors in EME and DGOF are doing or that the point rating of the former is incorrect. Thus there appears to be difference in the job content between the applicants and Tailors in EME and DGOF. It was decided that the skilled grade would be given to the Tailors of those organisations whose point rating would be more than 251. The respondents further contend that the Tailors in the AOC organisation (to which the applicants belong) secured less than 251 points. Thus the applicants did not qualify for the higher pay scale applicable to skilled workers.

5. It is true that the principle of equal pay and equal work is to be applied. But in this case the main dispute is as to whether the applicants are doing the work equal to that of the Tailors of EME and DGOF. We have already observed that the point rating of the work carried on by the applicants was found not to be equal to the Tailors in the EME and DGOF. The respondents have contended that the representatives of the Trade Union Federation were Members of the Anomalies Committee which recommended pay scales according to the job content of each post - which is determined by the point rating, and the point rating of the applicant Tailors was lower than those of the Tailors in the EME and DGOF. In our opinion, the views of the ECC and the Anomalies Committee and the point rating assigned to various posts has to be accepted by us as both these committees were manned by experts and point rating is again based on detailed and expert evaluation. The point rating of the applicants as also of Tailors in the EME and DGOF has been arrived at on the basis of expert job evaluation. We must hasten to add that this aspect would ordinarily lie in the sphere of experts and that this Tribunal would be slow to interfere in such matters. We have nothing before us to indicate that the said job evaluation or the allotment of the point rating is in any way erroneous. Another contention of the applicant is that the Tailors


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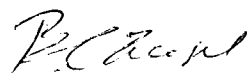
in the Air Force had a lower point rating than 251 and in spite of that, Government agreed to give them higher pay scale of Rs.260-400 to those Tailors. The applicants have produced a copy of the letter dated 17.1.1986 in this respect. This letter does not help the applicants in as much as in para-2 it states that it was not possible for the Government to agree to the demand of the Air Force Tailors for higher grade because of lower point rating assigned to them by the ECC. The letter further states that in spite of this decision and as a special case the Government would be willing to give higher pay scales provided the Indian National Defence Workers Federation and the All India Defence Employees Federation would give an undertaking that they would not press for similar orders for Tailors in other establishments. The tenor of the letter, therefore, indicates that the Government was prepared to sanction a higher scale of pay as a special case and on a specific condition that it would not apply to Tailors in other organisations. The condition of an undertaking by the Workers Federation in itself is an indication that the Government was not ready to treat all Tailors as forming one group so as to have similar scales.

6. The result, therefore, is that both the applications are liable to be dismissed.

ORDER

Original Applications nos.229/86 and 320/86 are dismissed. Parties to bear their own costs in both the cases.


(P. Srinivasan)
Member(A)


(B C Gadgil)
Vice Chairman