

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH.

Original Application No.21/2001.

Friday, this the 13th Day of September, 2001.

Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman,
Hon'ble Shri M.P.Singh, Member (A).

1. S.V.Shetty,
2. Smt. Anna E.D'Souza,
3. G.H.Sainani,
4. H.B.Hedau,
5. Miss M.H. Mayekar,
6. Smt. B.R.Pillai,
7. Smt. Steena J.Chowallore,
8. Smt. S.M.Simons,
9. P.B.Bille,
10. Miss S.S.Kadam,
11. Miss C.S.Sawant,
12. Smt. Deepa Jayakumar,
13. Miss. Elizabeth Chacko,
14. Miss. Geeta S. Udyawar,
15. Mrs. Sanjana S.Sherkhane,
16. Miss. Leena B.Menon,
17. Smt. Vidya Jayaprakash,
18. L.K.Pal,
19. Miss. N.R.Bari,
20. R.N.Dakhole,
21. R.V.Birwatkar,
22. Smt. Renu Singh,
23. Amit Kumar,
24. Miss. Pramila Panth,
25. S.A.Sherkhane,

(All the above named Applicants
are presently working in India
Government Mint, Bombay - 23).
(By Advocate Shri S.M.Shettigar)

... Applicants.

v.

1. The General Manager,
India Government Mint,
S.B.S. Marg, Fort,
Mumbai - 400 023.
2. The Union of India,
through its Secretary,
Ministry of Finance,
Department of Economic Affairs,
New Delhi - 110 001.

(By Advocate Shri V.D.Vadhavkar for
Shri M.I.Sethna)

... Respondents.

...2.

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: O R D E R (ORAL) :

Shri Justice Birendra Dikshit, Vice-Chairman,

The question which arise for determination in this OA is: Whether the applicants, who are Lower Division Clerks in various sections of the India Government Mint, Mumbai under the Ministry of Finance in Department of Economic Affairs are entitled to get the same benefit of Group Incentive Scheme as other classified staff working in the factory shop floor, including 50% of the rate of incentive earned?

2. The applicants are working at India Government Mint at Mumbai. They are working in Accounts Office. The case of applicants is that initially the Group Incentive Scheme was made applicable to Industrial Workmen working in the Factory Shop Floor as additional benefit to workmen with an object to increase existing level of production during duty hours. The said scheme was subsequently extended to classified staff working in the factory shop floor on coinage activities or who are deemed workers under section 70 of the Bombay Shops and Establishment Act, 1948 @ 50% of the rate of incentive earned by the Industrial Workers. The applicants are getting 25% of the rate of incentive earned by Industrial Workers while those who get more than Rs.2,500/- are being given only 14%. The basis of claim of applicants is that there is no distinction in respect of qualification required for classified staff working on shop floor is that basic qualification required is same; the duties of staff working on shop floor and applicants are inter-changeable and practically similar, except some nomenclature changes; that there are no rules or guidelines for inter-changeability of classified staff working in shop floor

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and account office; that there are several duties of the persons working in Account Office which have direct co-relation with production being part and parcel of coinage production activities and are on par with those Industrial Workmen who are paid 100% under incentive scheme as well as that classified staff of shop floor which is getting 50% incentives, which industrial workers are given; that activities at par are such as arranging for the repairs by placing job orders, tenders and to procure repairs for machines; to do calculations for making mixtures of gold and silver for placing it into category of purity, to do purchasing, providing material for production, placing job orders, deciding the tenders etc. and maintenance of accounts is beside said activities; that their duty hours, pay scale, seniority promotion aspects in coinage production being similar, they are to be kept at par. The applicants claim that they are being deprived of said benefit without any reasonable basis and therefore they be given same benefit as is being given to classified staff working in shop floor i.e. 50% of the weightage average and not 25% as is being given under Diary Order No.15 dated 7.4.1984. It appears that classified staff of account office getting more than 2,500/- is being given 14% of weighted average rate of incentive earnings as calculated and paid due to restrictions of Bonus Act which has also been claimed as arbitrary and relief has been claimed in that respect also to keep them at par with other classified staff of account office.

3. Relying on averment made by applicants in petition, the

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learned counsel for the applicant contended that by Diary Order No.15 dt. 11.4.1984, the Group Incentive Scheme has been extended to classified staff engaged and attached to Shop Floor who are being given 50% of the rate earned by the Industrial Workmen while applicants are being given only 25% and not even 50% like other classified workers without any reasonable basis and applicants are being discriminated arbitrarily. It is further contended that there is further discrimination by reducing said incentive to 14% by having upper limit as those who are getting Rs.2,500/-, which is also without reasonable basis and is bad in law. Therefore, they are also entitled for incentive of 25% weighted average of the rate of incentive earnings of Industrial Workmen in full as stated by the Respondents in Diary Order No.15 dt. 7.4.1984 and D.O. letter No.13/6/1991-Coin-I dt. 7.11.1991 of Respondent No.2 to Respondent No.1 and not 14%. The thrust of argument is that to maintain and upkeep the production, the said scheme has been extended to the Industrial Workers and subsequently it has been extended to classified staff of Shop Floor or to classified staff covered under section 70 of the Bombay Shops and Establishment Act, 1950 and therefore, the argument is that as the applicants are also a classified staff working in the Accounts Department having duties which are interchangeable with the classified ^{staff} at Shop Floors and as the applicants are entitled for ^{some} benefits as are being given to classified staff of shop floor. The claim, as pressed during arguments has been that as applicants are participating and cooperating equally in production, their activities being similar to the activity of

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shop floor classified staff, they are equally entitled to said incentive scheme which shop floor staff is getting, as the scheme is primarily based on targets of production accepted by the Management.

4. From pleadings and arguments of learned counsel for applicants, it is evident that Respondents have drawn distinction between direct labour for coinage activities with those who are connected with it in auxillary manner. The applicants are clerks at Accounts Office. They are neither directly associated with production nor they fall in the category associated with coinage production activity in auxillary manner. Those like the applicants, who work in office may be having at the most an indirect supportive role for the coinage activities, but they do belong to a separate category. The applicants working in Accounts Office constitute a separate class whose role is only supportive in respect of production.

5. The Respondents justification for classifying applicants working in Accounts Office in their written statement is well founded. They have come with specific case that a scheme was initially made for Industrial Workmen who were working in the Factory, India Government Mint, with object to boost production and to help workers engaged in coinage activities, the workers who were attached to the Factory and physically working in the Factory. These workers are physically affected by factory atmosphere, such as sound of machines, enveloping gases, surrounded by various plants, unpleasant air etc. They are directly engaged in coinage activities. It is to such workers of the Mint that to earn additional monetary benefits without

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working for more than their existing weekly working hours and to discourage absenteeism amongst workers. There is nothing in Rejoinder against said stand of Respondents. The classification for giving additional benefits to workers of factory with said atmosphere and with an object which is sought to be achieved due to hazardous of work cannot be said to be an arbitrary classification. According to averments made in written statement that workers who were directly or indirectly associated with coinage activity alone were being given incentives of 100% and 50%. This has been justified in paras 3 to 7 of written statement which has not been specifically denied in Rejoinder. The only statement in reply is that some persons of applicants' department have also to go within factory premises to take readings with respect to the production and are also affected by factory atmosphere like those who are classified staff of shop floor. The visit of some persons from Accounts Office for collecting reading etc. cannot be equated with those who are there for whole time of work. Thus, the classification with shop floor workers, who are at factory, is a reasonable classification and applicants cannot be kept at par with them.


6. So far allowing 14% instead of 25% for the persons drawing emoluments above Rs.2500/- is concerned, the justification for introducing the two has been justified due to implementation of Fourth Central Pay Commission, whereby Gazetted Officers were not eligible for incentives due to enhancement of emoluments. It was to cover up officers that such a modification of having Rs.200/- in lieu of incentives has

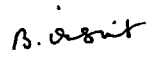
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been fixed. It is ~~helping~~ⁱⁿ such circumstances that ceiling has been fixed in respect of persons emoluments above Rs.2500/-.

7. The Learned Counsel for the applicants' further argued that the classified staff of Accounts Office working in NOIDA unit were given the benefit on par with those workers who were in shop activity under the incentive scheme which is being claimed by the applicants. So far that aspect of the matter is concerned, the counsel for the applicants was specifically asked for, as to what material he has placed on record to indicate that the duties which were being discharged by the persons in the establishment at NOIDA were similar to those of applicants. He has not been able to place before us any material in support of his argument. Even ground has not been taken. Thus, ~~this~~^{the} argument is also untenable.

8. For the reasons assigned above, the application fails and is dismissed. No costs.


(M.P. SINGH)
MEMBER(A)


(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

B.