

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

(3)

O.A. NO: 585/91

199

T.A. NO: ---

DATE OF DECISION 13-3-1992

Shriram Ganabaji Dakhore

Petitioner

Mr.K.S.Dhote

Advocate for the Petitioners

Versus

Union of India and others

Respondent

Mr.Ramesh Darda

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman

• The Hon'ble Mr. M.Y.Priolkar, Member(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 ?


(U.C.SRIVASTAVA)

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(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A.585/91

Shriram Ganabaji Dakhore,
Qr.No.8/9/1,
Ordnance Factory Estate,
Ambajhari,
Nagpur - 440 021.

.. Applicant

vs.

1. Union of India
through
The Secretary,
Ministry of Defence
(Dept. of Production)
South Block,
New Delhi - 110 011.

2. The Director General,
Ordnance Factories Board,
18-A, Auckland Road,
Calcutta - 700 001.

3. The General Manager,
Ordnance Factory,
Ambajhari,
Nagpur - 440 021.

.. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.K.S.Dhote
Advocate for the
Applicant.

2. Mr.Ramesh Darda
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 13-3-1992
(Per U.C.Srivastava, Vice-Chairman)

With the consent of both the parties the
case is being finally disposed of today.

2. Admit.

3. The applicant was appointed as Photographer
on 18-3-1981 in the pay scale of Rs.260/- to 400/-
revised as Rs.950/- to 1500/- under CDS RP Rule 1986.
In terms of SRO 4 dt. 4-1-1956 the photographer
has been classified as Tech.post and their avenues
of Photographer is as Photographer Sup.B(Tech),
Chargeman Gr.II(Tech) etc. Further in terms of

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aforesaid SRO the post carrying the equal pay scales will be getting equal opportunity in the matter of promotion was prescribed, and according to the applicant he is also carrying the identical pay scale of the skilled workmen and since the post of Photographer has been classified as skilled Tech. post, ~~the~~ he is entitled for equal benefits in the matter of promotion and condition of services as extended to the skilled workmen in terms of Rule 17 of SRO 1956. The IVth Pay Commission recommended the revised pay scale w.e.f. 1-1-1986 for the post of Sup. 'B' (Tech) as Rs.1400-2300. The claim of the applicant is that as he was a photographer and the photographers were earlier treated in the skilled grade he is also entitled to that grade. The practise of giving equal grade has been followed in the Ordnance Factories Organisation earlier. Upto the year 1980 the photographers were treated as skilled workmen and their seniority was also determined along with other skilled workmen. The applicant made representations in the matter but his representation remains pending and the juniors who were appointed after the appointment of the applicant though they were not photographers in the identical scale was promoted to higher scale grade I in the pay scale of Rs.380-560 revised as Rs.1320-2040 but the applicant was not given the same pay scale in preference to his juniors. According to the applicant when the respondents are denying the pay scale also they are bound to open the promotional avenues, give a particular scale to them as has ^{been} given to the other skilled workmen ~~as the work of photographer is also a skilled~~

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~~work and they can very well be treated as skilled workmen.~~ In this connection a reference has been made to the case of Council of Scientific & Industrial Research & another v. K.G.S.Bhatt, AIR 1989 SC 1972 wherein it was observed that "the person is recruited by an organisation not just for a job, but for a whole career. ~~One~~ must, therefore, be given an opportunity to advance...." But there is a denial of the same. After failing to get any relief from the departmental authorities the applicant approached the Tribunal praying that it may be declared that the reply which has been issued by the respondents ~~denying~~ denying the claim dt. 26-3-1991 is illegal, that it may be declared that the post of Photographer is a skilled technical post and the next promotion is Sup. 'B' (Tech) and the respondents are also directed to place the applicant as Highly skilled grade II from the date the junior skilled workmen were promoted in the scale of Rs.330 - 480 together with all consequential benefits.

2. The respondents have opposed the claim of the applicant ~~and~~ and filed written statement. It has been stated that in Appendix 'A' to SRO 4/56, there is no mention regarding the promotional avenues of photographer to Supervisor 'B'/Tech and further grades. As per Appendix 'A' of SRO 4/56, highly skilled workman, skilled workman and Viewer 'B' grade are shown as feeder grades for promotion to Supervisor 'B'/Tech. It was clarified by the DGOF, Headquarters (Now Ordnance Factory Board, Calcutta) vide their letter dtd. 30/31-8-1962 that Workman 'A' Grade and Workman 'B' grade were classified as skilled workmen. Scale of pay of skilled workmen 'A' Grade was revised by the Third Central Pay Commission

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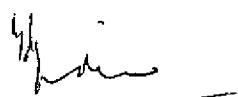
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in 1973 to Rs.320-400(further revised by E.C.C. to Rs.330-480)and skilled workmen 'B' Grade to Rs.260-350(further revised by ECC to Rs.260-400). At that time the scale of Photographer was Rs.260-400. On the implementation of the recommendations of E.C.C. w.e.f. 16-10-1981 to I.Es, the trades which were carrying the pay scale of Rs.330-480, have been classified as 'Highly skilled Gr.II" and trades carrying the pay scale of Rs.260-400 have been classified as "skilled" workman. As per the SRO 4/56, only the skilled workman with three years regular service carrying the pay scale of Rs.320-440 (revised by E.C.C. to Rs.330-480) and skilled workman with three years regular service carrying the pay scale of Rs.260-350(revised by E.C.C. to Rs.260-400) and not the photographer, were to be considered for promotion to Supervisor'B'. Subsequently an amendment was made and as the Appendix'A' is meant for only industrial grade i.e. skilled workmen and viewer B gr. and the photographer who do not come in cannot claim the said grade given to skilled workmen and promotion to the post which is meant for skilled workmen. It has also been pointed out by the subsequent amendment made in the year 1991 vide SRO 13 E the photographers were placed in the category of non industrial and promotional avenues have also been made open for them and for this they are required to undergo trade test. These facts makes it clear that of course earlier the posts of photographer were specifically not included in the feeder channel although they were given promotion and they were placed in the same grade. From the year 1981^{no} onwards promotion was made. It cannot be denied that the work of photographer is a skilled work but under the SRO now they have been classified as non

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technical and promotional avenues have been opened to them. But the promotional avenues which has been made open to them do not carry the same scale which is given to other skilled workmen which upto the year 1981 was also given to the photographer.

3. Although the relief which has been claimed by the applicant as such cannot be granted however it is expected now that the case of the applicant be reviewed by the government ^{again} and the government will take into consideration the plea that the category of photographers who can be classified as skilled workmen may also get the same grade or near about the same grade which is being paid to other skilled workmen. Further promotional avenues may also be opened to them as has been open to other skilled workmen. It is expected that consideration in this ^{shall} behalf ^{/be} made within a period four months from the date of communication of this order.



(M.Y.PRIOLKAR)
Member(A)



(U.C.SRIVASTAVA)
Vice-Chairman

MD