

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 31/95

Date of Decision: 12/8/99

Shri Kishanlal Ramfalram & 9 Ors. Applicant.

Shri S. Paul Sunderrajan. Advocate for Applicant.

Versus

Union of India & 3 Ors. Respondent(s)

Shri R. K. Shetty Advocate for Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri. B.N. Bahadur, Member(A).

- (1) To be referred to the Reporter or not? *W*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *W*

abp.

R. G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO:31/95.

DATED THE 12TH DAY OF AUGUST, 99.

CORAM: HON'BLE SHRI JUSTICE R.G. VAIDYANATHA, VICE CHAIRMAN.

HON'BLE SHRI B.N. BAHADUR, MEMBER(A)

- (1) Kishanlal Ramfalram No.14301299
Boot Maker, Residing at Deolali Camp.
- (2) Shri Chabbu Dagdu Suryawanshi, Bootmaker
No.14301293, Residing at Deolali Camp.
- (3) Shri Shankar Khandu Khairmar, Bootmaker
No.14450412, Residing at 444 Ram Mandir
Road, Bhagur 422 502, Nasik Dist.
- (4) Shri Ganga Bishanu, No.14450575
Residing at Deolali Camp. (Bootmaker).
- (5) Jippu, Bootmaker, No,1595488
Residing at Deolali Camp.
- (6) Shri Kuppu Swamy, Bootmaker
No,14450088, Residing at Deolali Camp
- (7) Shri Ashok Trimbak Khairmar, Bootmaker
No.15296002, Residing at Deolali Camp.
- (8) Smt. Anit Gracy W/o. Joseph, Tailor
No.14450080, Residing at Deolali Camp.
- (9) Shri Sampat Shivram Jadhav, Tailor
No.14450642, Residing at Deolali Camp.
- (10) Shri Vilas Manohar Tapse, Tailor
No. Old 4021, Residing at Deolali Camp. ... Applicants

By Advocate Shri S. Paul sunderrajan.

v/s.

- (1) The Union of India,
Secretary, South Block,
Ministry of Defence, Government of India,
New Delhi-110 001.
- (2) Chief of the Army Staff,
Army Head Quarters,
New Delhi-110 011.
- (3) The Director General of Artillery,
G.S. Branch,
Army Head Quarters,
New Delhi - 110 011.
- (4) Head Quarters,
Artillery Centre,
Nasik Road Camp 422 102.

... Respondents.

By Advocate Shri R.K. Shetty.



(6)

IN ORDER IN ORAL

Per Shri R.G.Vaidyanatha, Vice Chairman

This is an application filed under section-19 of Administrative Tribunals Act. Respondents have filed reply. We have heard both the counsels.

2. These applicants are working as Civilians Boot Makers and Tailors in the Office of Respondent Nos.3 and 4. The applicants grievance is that they are shown as semi skilled cadre but the applicants grievance is that they should be upgraded as skilled cadre. The applicants are relying on the Government order dated 15/10/84 where the benefit of upgrading of highly skilled Grade-I was given to one branch by department on the principles of equal pay for equal work, the applicants should also get the same benefit of the order dated 15/10/84 with all the consequential monetary benefits. Hence the applicants have prayed that the Government should be directed to upgrade the applicants from semi skilled to highly skilled cadre w.e.f. 15/10/84 and grant all consequential monetary benefits.

3. Respondents in their reply have stated that the Government order dated 15/10/84 pertains to upgradation of semi skilled cadre in the work under the Adjutant General office. He further mentioned that those semi skilled workers in the office of the Adjutant General were in the payscale of (Rs.210-290) and upgraded to the grade of (Rs.260-400). The said upgradation cannot be applied to applicants where working in different department and who were in a still lower cadre of (Rs.200-250). The

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details are given in para-1 of the written statement at page-2. Since the applicants were not holding semi skilled grade in the payscale of 210-290, they are not entitled to the benefit of 260-400 as per the Government order dated 15/10/84. That the application is barred by limitation. It is also stated that applicants are working under the administrative control of General staff and they cannot claim parity with the staff working under the office of Adjutant General. It is also stated that it is a policy decision for the Government to decide as to which grades to be upgraded and not a matter for decision by a Court or Tribunal.

4. At the time of arguments, Shri Paul Sunderrajan, learned counsel for applicant contended that the applicants are entitled to upgradation and higher scale of pay as skilled ~~cadre~~ cadre like skilled cadre working in the office of the Adjutant General under the principle of equal pay for equal work. He therefore submitted that applicants should get the benefit from 15/10/84. On the other hand the counsel for respondents submitted that it is purely a matter of policy decision and the Government had decided not to grant the relief to applicants in 1984. He further submitted on the basis of 5th pay commission, the Government has now decided to grant higher payscale to such applicants ^{and} placed before us the Government order dated 18/1/99 which is now taken on record.

Normally, the Courts or Tribunals should not interfere with the policy decision of Government


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unless the policy decision is arbitrary or illegal. The applicants must show that they are entitled to claim parity of scales and grades like semi skilled workers working in the Adjutant General's office. No particulars are given in the application. They have not mentioned the recruitment rules of the applicant on the one hand and their counterparts on the other hand. In the absence of the recruitment rules being equal for both officials, it is very difficult to accept the case of the applicants for granting same skilled grade like the upgradation given to the staff of Adjutant General's Office., on the principle of equal pay for equal work. In the absence of necessary particulars, we cannot accept the case of applicant for granting of higher pay on the principle of equal pay for equal work to them from 15/10/84 when the benefit was extended to the skilled cadre in Adjutant's office. The applicants should have collected these things and then produced necessary material for claiming the benefits. In the present case there is neither pleading or oral submission that the applicants stand on the same footing as that of the skilled cadre of the Adjutant General's office.

In the circumstances of the case, we are constrained to reject the claim of applicant for getting the benefit of upgradation of higher scale.

5. It may be that 5th pay commission has since recommended for giving certain benefits, now the Government has taken a policy decision to extend the benefit to applicants w.e.f. 8/1/99. We cannot grant any



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retrospective benefits to applicant from 15/10/84., as claimed by applicants. Therefore, we are constrained to hold that the claim of the applicants cannot be granted, and therefore the application is liable to be dismissed.

6. In the result, the application is dismissed.

No order as to costs.

B.N. Bahadur

(B.N. BAHADUR)
MEMBER (A)

R.G. Vaidyanatha

(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.