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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 100/92

Date of Order: 15-9-95

Between:

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|---------------------------------|----------------------|
| 1. Mr K.Veera Reddy. | 13. G.Dharma Reddy. |
| 2. Ahmed Nawaz. | 14. M.Kistaiah. |
| 3. G.V.Satyanarayana Varma. | 15. N.Latchaiah. |
| 4. G.Anand Reddy. | 16. Abdul Waheed. |
| 5. Mohd. Abdul Sattar. | 17. D.Kishore Rao. |
| 6. E.Ramesh. | 18. A.Narsing Rao. |
| 7. M.Ramaswamy. | 19. Rampal. |
| 8. N.Brama Chary. | 20. N.Narsing Rao. |
| 9. T.K Shahkar Rao. | 21. S.Satyanarayana. |
| 10. B.Dayanand. | 22. G.Brammaiah. |
| 11. V.Pentaiah. | 23. B.Kishan Rao. |
| 12. M.L.Gopal. | 24. P.Balaiah. |
| | .. Applicant |

and

1. Union of India, rep. by the Secretary, Ministry of Defence, New Delhi-1.
2. Scientific Adviser to the Minister of Defence and Director General, Defence Research and Development Organisation, Directorate of Personnel 'H' Block, New Delhi-11.
3. Director, Defence Research and Development Laboratory(DRDL) P.O.Kanchanbagh, Hyderabad-250.

Respondents.

For the Applicant :- Mr. T.Jayant, Advocate

For the Respondents: Mr. N.V.Ramana, Addl.CGSC.
~~EX./XXX.8888~~

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR. A.B.GORTHI : MEMBER (ADMN)

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OA.100/92

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri T. Jayant, ~~S. Lakshma Reddy~~, learned counsel for the applicants and Sri N.V. Ramana, ~~M.R. Suresh~~, V. ~~R.Nimanna~~, N.V. ~~Raghuva Reddy~~, learned counsel for the respondents.

2. The 24 applicants herein are working in various trades in DRDL (R-3). They filed this OA praying for direction to the respondents to fix their pay in the pay scale of Rs.260-400 with effect from 16-10-1981.
3. The pay scales of the various categories like unskilled, ~~semi~~skilled, skilled, highly skilled Gr.II, ^{and} existing Highly skilled gr.I of the industrial workers in the Defence establishments were fixed by order No.F-1/(2)/80/D(ECC/IC) dated 16-10-1981. ^(vide AS) The upgradation was made from semi-skilled to skilled with effect from the same date in regard to five trades. On the basis of the recommendations of the Anomalies Committee, the upgradation was extended to 11 trades referred to therein with effect from 15-10-1984 as per order No.3813/DS(O&M)/Clv-1/84 vide A-1 (~~Earlier vide Annexure-A-5~~).
4. The industrial workers in the Defence Establishments belonging to the 11 trades referred to in the letter dated 15-10-1984 applied for amendment in the petition filed by them in the Supreme Court praying for extension of the benefit of upgradation for them from 16-10-1981 and the prayer as per the said amendment was allowed by

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the Apex Court vide 1989(2) SLJ 100 (Bhagwan Sahai Carpenter Vs. UOI & another).

5. Even before the judgement referred to above was disposed by the Apex Court, various industrial workers in the Defence Establishments in the trades other than the five trades referred to by the Expert Committee and the 11 trades referred to by the Anomalies Committee moved the various Benches of CAT praying for a direction to the respondents to extend the benefit of upgradation and enhanced pay scale with effect from 15-10-1984 and the same were allowed.

6. The Memo No.17(5)/89-D(Civ.I), dated 19.3.1993 was issued by the Ministry of Defence to the effect that the pay scale of Skilled Grade to the upgraded posts will be given ^{with} effect ~~fx to~~ from 16.10.1981. It is in regard to 11 trades that were identified by the Anomalies Committee. When these applicants who are not covered by these trades, along with others made a representation claiming that they also have to be given the benefit of upgradation with effect from 16.10.1981, it is stated that the matter is under consideration. Xerox copy of the judgment dated 3.10.1991 in W.P.No.492/91 (C) on the file of the Supreme Court is produced before us wherein ~~which is to the effect that~~ while granting the benefit of upgradation to the petitioners therein who are Best Makers with effect from 16.10.1991 it was observed as under:-

"Before we part we would like to state that the department should grant the benefit uniformly to all these trades

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which were to be upgraded after the Deputy Secretary's letter dated October 15, 1984. We do hope that they will not be driven to court to receive the benefit of ~~xxx~~ which they are entitled as per the interpretation put by this Court in Bhagwani Sahai's case (supra)."

The said judgment might have been ~~inter-alia~~ placed before the Ministry i.e., R-I herein. Hence, R-I has to necessarily take a decision in regard to the industrial workers in the Defence organisation who do not come within the five trades referred to by the Expert Committee and the 11 trades referred to by the Anomalies Committee, ^{as to whether} extending the benefit of upgradation with effect from 16.10.1981, *has to be extended to them or not.*

7. As the applicants herein are similarly situated to the applicants in OA 363/88, a direction has to be given to the respondents to give notional fixation in the pay scale of Rs.260-400 as on 15.10.1984.

8. The applicants have produced ~~xxx~~ before us the letter No.96532/IE/GTRE/RD-PERS-3/4692/D(R&D), dated 17.11.1993 wherein it is stated that the monetary benefit on such notional fixation will be given effect to from 9.2.1988. We have to further state that if ultimately R-I is going to take a decision that the monetary benefit has to be given w.e.f. 16.10.1981 or 15.10.1984 or any later date prior to 9.2.1988, the applicants also have to be given the monetary benefit accordingly.

1. The Secretary, Ministry of Defence,
Union of India, New Delhi-1.
2. The Scientific Adviser to the Minister
of Defence and Director General,
Defence Research and Development Organisation,
Directorate of Personnel 'H' Block,
New Delhi-11.
3. The Director, Defence Research and Development
Laboratory(DRDL) P.O.Kanchanbagh, Hyderabad-258.
4. One copy to Mr.T.Jayant, Advocate, CAT.Hyd.
5. One copy to MR.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd
7. One spare copy.

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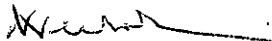
9. In the result this OA is ordered as under:-

(i) The pay of the applicants has to be notionally fixed in the pay scale of Rs.260-400 as on 15.10.1984 and the monetary benefit has to be given with effect from 9.2.1988. But if ultimately R-I is going to take a decision that the monetary benefit has to be given even earlier to 9.2.1988, these applicants also have to be given the monetary benefit accordingly.

(ii) R-I has to take a decision by 31.3.1996 as to whether the benefit as per the Memo No.17(5)/89-D(Civ.I), dated 19.3.1993 has to be extended even to the trades other than the five trades identified by the Expert Committee and the 11 trades identified by the Anomalies Committee.

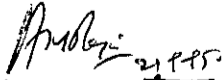
10. It is needless to say that if the applicants are aggrieved in regard to the ultimate decision of R-I, they are free to move this Tribunal under Sec.19 of the Administrative Tribunals Act. No costs.//


(A.B.GORTHI)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 15th September, 1995.
Open court dictation.

vsn/sk


Deputy Registrar (S)