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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.687/94.

Dt. of Decision : 16-10-97.

1. The Defence Civilian Employees Union
(Regd. No.131879) Regd. Office at
Bolaram, Secunderabad, Rep.
by its General Secretary,
Sri D.P.Manoharlal

2. K.B.Sudhakar

.. Applicants.

1. The Union of India rep.by
the Secretary, Min. of Defence,
Sena Bhavan, New Delhi-110 010.

2. The Director General,
EME (EME C IV),
Army Headquarters, DHO P.O.,

3. The Addl. Directorate General
of ORG. IV (CIV.B) Adjutant General
Army Headquarters, DHQ P.O.,
New Delhi-110 011.

4. The Commandant, 1 EME, Centre,
Secunderabad.

5. The Officer Commanding,
Signal Coxy, HQ Andhra Sub-Area,
Secunderabad-500 010.

6. The Commanding Officer,
Secunderabad-21.

.. Respondents.

Counsel for the applicants : Mr.V.Venkateswara Rao

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J))

Heard Mr.V.Venkateswara Rao, learned counsel for the
applicants and Mr.V.Bhimanna, learned counsel for the
respondents.

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2. There are two applicants in this OA. The applicant No.1 is the Defence Civilian Employees Union and the applicant No.2 is working as a Barber under R-3.

3. It is submitted that the members of the applicant No.1 are working as Barbers, Cooks and Dhobies etc. under R-3. The applicant No.1 has furnished the details of the members working as such at Annexure-1 to the OA. They submit that their pay was in the scale of Rs.200-250/- ~~under R-3~~ recommendation of the 4th Pay Commission the pay was revised to 775-1025/-. It is stated that the expert classification committee was constituted to remove the anomalies in the scale of pay payable to the Artisans skilled grade. It is submitted that the recommendation of the expert committee was accepted by the Government of India w.e.f., 16-10-81. It is further submitted that again the Government of India by its letter dated 15-10-84 directed that the scale of pay of Semi skilled grades of bootmaker etc. be upgraded to Rs.260-400 from Rs.210-290/-. They also ^{submit} ~~feel~~ that the persons working as Cooks, Barbers and Dhobies be given the same scale of pay of Rs.260-400/- (pre-revised). Hence they filed this OA to declare that the employees of the applicant No.1 Union working under the control of R-3 are entitled to grant of upgradation of the scale of pay of Rs.210-290/- to 260-400/- (Rs.950-1500 (revised)) effective from 10-1-81 with all consequential benefits such as arrears of salary, allowances etc.

4. The applicants submit that on 9th February 1994 the applicant No.1 had submitted a representation to R-3 praying for upgradation of pay of its members. The said representation is yet to be disposed of by the respondent authorities.

5. A reply has been filed in this connection. The main reasons for not providing them the scale of pay of Rs.260-400/- (Rs.950-1500/-(RS)) is due to the fact that they are not

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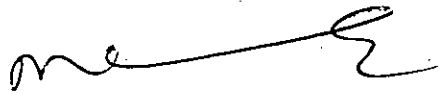
Industrial workers. However the learned counsel for the applicant relying on the Apex Court judgment in W.P.(C) 192 of 1991 dated 3-10-91 (Bhai Prabhu Lal & Another Vs. UOI & Other) submits that the distinction between the non-industrial and industrial workman belonging to the same trade is not shown but existed earlier when the benefit was granted to certain employees. Therefore he submits that the objections raised now has no merit

6. It is also learnt that a similar case is pending with the Apex Court for adjudication. Hence in the circumstances we are of the opinion that the respondents should dispose of the representation dated 9-2-94 in accordance with law keeping in view the direction in the Apex Court referred to above.

7. However the learned counsel for the respondents submitted that this is an individual grievance and the Union is also not a recognised one. Hence it will be difficult for the administration to dispose of the representation if directed. In view of that we are of the opinion that a detailed representation signed all the 187 employees included in Annexure-I to the OA may be submitted to the appropriate respondent authorities. If such a representation is received, that authority should dispose of the same keeping in view the observations made by us as above and also the judgement of the Apex Court referred to above. Time for compliance is four months from the date of receipt of representations from the employees.

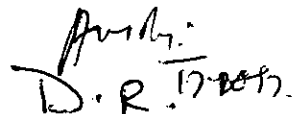
8. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
16.10.97 MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 16th Oct. 1997.
(Dictated in the Open Court)

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D.R. Iyer

DA.687/94

1. The Secretary, Ministry of Defence, Sena Bhavan, New Delhi.
2. The Director General, EME (EME C IV), Army Headquarters, DHQ P.O., New Delhi.
3. The Addl. Directorate General of ORG. IV (CIV.8) Adjutant General Army Headquarters, DHQ P.O., New Delhi.
4. The Commandant, 1 EME, Centre, Secunderabad.
5. One copy to Mr. V. Venkateswara Rao, Advocate, CAT., Hyd.
6. One copy to Mr. V. Bhimanna, Addl. CGSC., CAT., Hyd.
7. One copy to HBSJP M(J), CAT., Hyd.
8. One copy to D.R.(A), CAT., Hyd.
10. The officer commanding, Signal Coy, HQ Andhra Sub-Area, Sec'dad - O/o
Sri the commanding officer, EME Depot Battalion, Sec'dad

24/10/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M (J)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 16-10-97

ORDER/JUDGMENT

~~M.A./R.A./C.A. NO.~~

in
D.A. NO. 687 / 94

Admitted and Interim Directions
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

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II. Court

