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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1170/95.

Dt. of Decision : 30-10-95.

1. V. Kutty Krishnan
2. B. Satyanarayana
3. Ch. Subba Rao
4. N.Venkateswara Rao
6. N.Srinivasulu Reddy
7. G.Venkata Narasimha Reddy
9. T.Kamala Rao
10. C.Ashok Kumar
11. K.Nageswari
12. K.L.Sridhar
13. V.Prabhakar
14. P.Narayana Rao

.. Applicants.

Vs

1. The General Manager,
Ordnance Factory Project,
Eddumailaram, Medak District, A.P.

.. Respondent.

Counsel for the Applicants : Mr. P.Naveen Rao

Counsel for the Respondents : Mr. N.V.Ramana, Addl.CGSC.

CORAM:

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

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

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Date: -10-1995.

J U D G M E N T

X as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

There are 14 applicants in this OA who were all initially appointed as Draughtsmen at the Ordnance Factory, at Trichy and Medak. All the applicants were subsequently appointed as Supervisor (Technical, and ---
Chargeman Gr.II. The first applicant was appointed as ^{at Trichy} D'man on 16.9.1981, and subsequently as Chargeman Gr.II from 8.6.1983 at Medak. All the other applicants except applicant No.1st were appointed as D'man at Medak factory during the period starting from August, 1984 to April, 1985 and were subsequently promoted as Supervisor (Technical) in the year 1986. The detailed service particulars of all the 14 applicants such as date of appointment as D'man, date of appointment as Supervisor (T) and date of --- as Chargeman ---

2. On the basis of award of Board of Arbitration in the case of Draughtsman of C.P.W.D., the pay scales of Draughtsman Gr.III, Gr.II and Gr.I -----

But the actual benefit was being allowed from 1.11.1983. Similar pay-scales as was granted to Draughtsman of C.P.W.D. was extended to other Draughtsman belonging to offices/Department of Government of India, ~~provided their recruitment qualifications are similar to those prescribed in the cases of Draughtsman in~~ Ministry of Finance vide O.M.No.F.5(59)-E.III/82 dt.13.5.84. When the Draughtsman in the Ordnance Factories demanded the revised pay scales of Draughtsman Gr.II by alleging that

the qualifications for recruitment for the post of Draughtsman ~~are~~ equivalent to the qualifications required for the post of Draughtsman Gr.II in C.P.W.D. and the nature of their work and the nature of work of Draughtsman Gr.II in Ordnance Factory is the same, the same was refused on 4.12.1987 by an Expert Committee appointed by the management of Ordnance Factories.

3. Earlier some of the Draughtsman in the Ordnance Factories in Madhya Pradesh moved the Madhya Pradesh High Court in this connection in regard to revised pay scales which was later transferred to Jabalpur Bench of CAT and re-numbered as T.A.No.111/86. The CAT, Jabalpur Bench directed the authorities concerned to compare the nature of work of the Draughtsman Gr.II in CPWD and provide the scale of Draughtsman Gr.II if the said committee finds the work in both is the same.

Most of the Committee went in favour of the applicants therein. It is stated that the order of the Jabalpur Bench was complied with. Similar OAs were filed by the Draughtsman in Ordnance Factories, West Bengal, bearing Nos.569/86, 570/86 claiming similar relief as granted by Jabalpur Bench in T.A.No.111/86. Those OAs were allowed by the CAT, Calcutta. OA No.140/92 was filed on the Bench of this Bench. That OA was disposed of by this Bench by order dt. 23.6.1993. The operative portion of the order in OA 140/92 reads as below:-

"The applicants other than applicant 7, 11 & 17 have to be given the pay in the pre-revised scale of Rs.425-700 from the dates of their respective appointments/promotions, if those appointments/promotions were prior to 1.1.1986 and if the appointments/promotions are subsequent to 1.1.1986, they will be entitled to the revised pay scale of Draughtsman Gr.II even till the date of their appointment/promotion as Supervisor(Technical) also. The monetary benefit for

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such of the applicant who were appointed/
promoted as Draughtsman prior to 1.11.1983 has
to be given from 1.11.1983 and the notional pay
has to be given with effect from the date of
their appointment/promotion (None of the applicants
were appointed/promoted prior to 13.5.1982, in
fact the Ordnance Factories came into existence
in 1983). The time for implementation of the
order is 4 months from the date of receipt of
the copy of this judgment".

4. In the meantime, Ordnance Factory Board filed
Review Application before the Apex court in earlier SLPs
which were dismissed and those SLPs were restored. The
judgment of this Tribunal in OA 140/92 was also challenged

the Ordnance Factory Board by
filing SLP (Civil) No.22016/93 and stay was granted for
the operation of the judgment of this Tribunal. All the
SLPs and Civil Appeals came up for final disposal and the
apex court by its judgment dt. 20.7.1995 in C.A.No.1433/95
and batch dismissed the appeals and other petitions
(Annexure A.VI).

5. In spite of the above, it is stated that the
Ordnance Factories Board authorities are applying the
benefit of judgment in O.A.No.140/92 dt. 23.6.1993
(Annexure A.IV) only to the persons who approached the
Tribunal.

6. In view of the
declaration that the action of the respondents in not
implementing the judgment of the Supreme Court of India
--- C.A. No.1433/95 and batch and orders of
the Government of India, Ministry of Defence (Department ---

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of Expenditure) O.M.No.F.5(59)-E.III/82 dt. 13.3.1984 to the applicants and allowing the benefit to only persons who have approached the Court is arbitrary, discriminatory and unconstitutional and for a consequential direction to the respondents to grant the benefit of the revised scales to the applicants in the instant application on the same terms and in the same manner as has been granted to the persons covered by judgment of the Supreme Court of India dt. 20.7.1995 in C.A.No.1430/95 and batch with all consequential benefits.

7. There is no doubt that the applicants in this OA are similarly situated as applicants in OA 140/92 on the file of this Bench which was disposed of by judgment dt. 23.6.1993 allowing the O.A. The judgment of the Jaddipur Bench in disposed off by order dt. 21.4.1987 whereby it was held Draughtsman in the Ordnance factories, M.P. were entitled to be placed i.e. in the pre-revised scale of Rs.420-700, as per judgment in REM and hence applicants entitled for monetary benefits from 1.11.1983 if they were holding the post of Draughtsman on that date or from ^{later} a date they were holding their posts.

8. All the applicants except Applicant No.1 ~~were~~ joined as Draughtsman at Medak on various dates starting from August, 1984. Hence, they are entitled for the benefits only from the date of their appointment as Draughtsman. Applicant No.1 joined as Draughtsman at Trichy on 16.9.1981 and he was appointed as Chargeman Gr.I with effect from 8.6.1993. Hence, he is entitled for

notional fixation of pay in the pre-revised scale in the cadre of Draughtsman from 13.5.1982 and as he was promoted before 1.11.1983, from which date the actual benefits were allowed, he is not entitled for any arrears in the grade of Draughtsman. However, his pay as Chargeman Gr.II with effect from 8.6.1983 has to be fixed on the basis of his notional fixation of pay as Draughtsman. He is also entitled for arrears, ^{as charged} if any, from 8.6.1983 on the basis of pay fixation ^{as} indicated above.

9. In the result, the following direction is given:-

All the applicants herein except applicant No.1 have to be given the pay in the pre-revised scale of Rs.425-700 from the dates of their respective appointment/promotion if their appointments/promotions were prior to 1.1.1986 and if the appointments/promotions are subsequent to 1.1.1986, they will be entitled to the revised pay scale of Draughtsman Gr.II even till the date of their appointment/promotion as Supervisor (Technical). All the applicants except applicant No.1 are entitled for pay fixation and monetary benefits from the date they were appointed as Draughtsman (As per Annexure-I all the applicants except applicant No.1 were appointed after 1.11.1983 only).// The pay of the Applicant No.1 has to be fixed in the pre-revised scale of Rs.425-700 from 13.5.1982. He is not entitled for any arrears as he was appointed as Chargeman Gr.II with effect from 8.6.1983. However, the pay fixation of applicant No.1 in the post of Chargeman Gr.II has to be done taking into account his notional pay fixation as

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Draughtsman Gr.II with effect from 13.5.1982 and he is entitled for arrears if any due to his pay fixation as Chargeman Gr.II as directed above.

10. The time for implementation of this order is 4 months from the date of receipt of a copy of this judgment.

11. The OA is ordered accordingly at the admission stage itself. No costs.

(R.Rangarajan)
Member (Admn.)

(V.Neeladri Rao)
Vice Chairman

Dated October, 1995.

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12. After the judgement in this O.A. was reserved and after it was transcribed and typed before it was about to be pronounced, the learned standing counsel for the Respondents brought to our notice the Judgement dt. 23-7-93 of the Jabalpur Bench. ^{In O.A. 529/88.} The Jabalpur Bench dismissed the case of the applicants who are Draughtsmen in the Ordnance Factory. The ^{or} claims of the applicants who are the Draughtsmen ^{in Ordnance Factory} is that they have to be given pay-scale of Rs. 425-700 notionally with effect from 13-5-1982 and actually from 1-11-83.

13. Some of the Draughtsmen in the Ordnance Factory of Eddumailaram, Madhak District filed O.A. 540/92 on the file of this Bench claiming the same relief as the relief claimed in O.A. 529/88 on the file of the Jabalpur Bench. The said claim is made on the basis of the O.M. dt. 13-5-85. The applicants therein were either direct recruits or promotees and they were having either Diploma or the ITI. That O.A. ^{540/92} was allowed in regard to ^{all Nos. 7, 11 and 17} applicants therein. ^{24 Cefor} That O.A. ^{was dismissed} was dismissed with regard to applicants 7, 11 and 17 ^{as they were appointed or promoted subsequent to} therein as they were appointed or promoted subsequent to the promulgation of recruitment rules in 13-5-1989. The ^{the} judgement in O.A. 140/92 on the file of this Bench was dismissed when the same was considered ^{Civil Appeals} on merits along with some other / and SLPs by order of

^{App. Court} dt. 20-7-95 on consideration of merits.



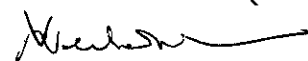
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14. As the applicants herein are situated similar to the applicants 1 to 6, 8 to 10 and 12 to 16 in DA 140/92, this O.A. had to be allowed as prayed for and in fact that is the view that was taken by this Bench and which was so dictated, transcribed and typed before the learned standing counsel had referred to the Judgement of the Jabalpur Bench, in ~~DA 525/88~~. in ~~DA 525/88~~.

15. In the result, the O.A. is ordered as per para-9 of this order. //


(R. RANGARAJAN)


(V. NEELADRI RAO)
Vice-Chairman

Dated: 30th October, 1995.
Dictated in Open Court.

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DEPUTY REGISTRAR(J)

To

1. The General Manager, Ordinance Factory Project, Min. of Defence, Govt. of India, Eddumailaram, Madak District, A.P.,
2. One copy to P. Naveen Rao, Advocate, CAT, Hyderabad.
3. One copy to Mr. N.V. Ramana, Addl. CGSC, CAT, Hyderabad.
4. One copy to Library, CAT, Hyderabad.
5. One Spare copy.

YLKR.

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR. R. RANGARAJAN : M(A)

DATED: 30-10-1995

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in)

O.A.No. 1170/95

T.A.No.

Admitted and Inter
Issued.

Allowed.

Disposed of with

Dismissed.

Dismissed as

Dismissed for

Ordered/Rejct.

No order as

pvm.

