IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

****

O.A. 1530/95. Dt. of Decision : 13-12-95.

1. J.S.Surjuse
2. Mohd. Akhtar Hussain
3. M.Devakar .. Applicants

Vs

1. The Union of India, Rep. by its Secretary, Minl of Defence, Sena Bhavan, New Delhi-110 011.
2. The Commandant, HQ-1, EME Centre, Bolaram, Secunderabad-7. .. Respondents.

Counsel for the Applicants : Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. N.R.Devaraj,Sr.CGSC.

CORAM:

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

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

..2

O.A.No.1530/95. Date: 1).12.1995.

J U D G M E N T

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

Heard Sri K.Sudhakar Reddy, learned counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. The applicants numbering 3 herein are working as Tailors under the control of the Commandant, HQ-1, EME Centre, Bolaram, Secunderabad (R-2). They have filed this O.A. praying for a direction to the respondents to give effect and grant the benefits of the Skilled Grade of Rs.260-400 as per the Judgment of Supreme Court in Prabhu Lal and anor. Vs. Union of India and Ors. in W.P.(C) No.492 of 1991 dated 3.10.1991 and to pay the arrears with effect from 16.10.1981 to all the applicants herein.

3. The pay scales of various categories like unskilled, semi-skilled, skilled, highly skilled Gr.II and Highly Skilled Gr.I of the existing industrial workers in the Defence Establishments were fixed by order No. F-1/(2)/80-D(ECC/IC) dt. 16.10.1981. 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.

4. The industrial workers in the Defence Establishments belonging to the 11 trades referred to in the letter dt. 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 the Apex court vide judgment reported in X 1989 (2) SLJ 100 - Bhagwan Sahai

Carpenter Vs. Union of India and another X.

5. Even before the judgment referred to above was pronounced 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 enhaneed 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 (Annex.IV) was issued by the Ministry of Defence to the effect that the pay scales of Skilled Grade to the upgraded posts will be given with effect from 16.10.1981. It is in regard to 11 trades that were identified by the Anomalies Committee. When the said applicants who are not covered by those 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. A copy of the judgment dt. 3.10.1991 in W.P.No.492/91 (C) on the file of the Supreme Court is produced before us wherein while granting the benefit of upgradation to the petitioners therein who are Boot makers with effect from 16.10.1981 it was observed as under:-

> "Before we part we would like to state that the department should grant the benefit uniformly to all those trades which were to be upgraded after the Deputy Secretary's letter dt. October 15, 1984. We do hope that they will not be driven to court to receive the benefit of which they are

...4/-

entitled as per the interpretation put by this court in Bhagwan Sahaix's case (supra)"

The said judgment might have been placed before the Ministry i.e. R-1 herein. Hence, R-1 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 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 as the applicants in OA 100/92, a direction has to be given to the respondents to extend the same benefits as given in O.A.No.100/92 dt. 15.9.1995.

8. As per letter No.96532/IE/GTRE/RD-PERS-3/4692/D(R&D) dt. 17.11.1993 it is stated that the monetary benefit on such notional fixation will be given effect to from 9.2.1988. We have no further state that if ultimately R-1 is going to take a decision that the monetary benefit has to be given with effect from 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.

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-1 is going to take a decision that the monetary benefits have to be given even earlier to 9.2.1988 these applicants also have to be given monetary benefits accordingly.

...5/-

(ii) R-1 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) dt. 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-1, they are free to move this Tribunal under sec.19 of the A.T.Act.

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

(R.Rangarajan)
Member(Admn.)

(V.Neeladri Rao)
Vice Chairman

Dated 13th Dec., 1995.

Deputy Registrar(J)CC

Grh.

To

1. The Secretary, Ministry of Defence, Union of India, Sena Bhavan, New Delhi-11.
2. The Commandant, HQ-1,EME Centre, Bolaram, Secunderabad-7.
3. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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