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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.198. of 1995.

Between

Dated: 28.8.1995.

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Applicant

And

1. Union of India, represented by its Secretary, Ministry of Defence, Sena Bhavan, New Delhi.
2. The Commandant, HQ Artillery Centre, Hyderabad.

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Respondents

Counsel for the Applicant : Sri. K.Sudhakar Reddy

Counsel for the Respondents : Sri. V.Bhimanna, Addl. CGSC.

CORAM:

Hon'ble Mr. A.B.Gerthi, Administrative Member

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O.A. 198/95.

Dt. of Decision : 28-08-95.

ORDER

1. As per Hon'ble Shri A.B. Gorthi, Member (Admn.)

The applicant worked as a Boot Maker for the period from August 1986 to March 1994. His claim in this OA is for a direction to the respondents to fix his pay in the pay scales of Rs. 950-1500/- and pay him the consequential benefits.

2. The applicant was initially appointed as Civilian Cook in the Artillery Centre, Hyderabad in 1984. Later, he was posted to the Artillery Centre to fill the existing vacancies in the Artillery Centre. The pay scale of the Cook and Boot Maker at the relevant time was the same at Rs. 775-1025/-, as per the IVth Pay Commission Recommendation. As the applicant once/again became surplus he was transferred to ASC Centre (South) Bangalore on 24-01-1987 in the same trade of Boot Maker.

3. The respondents' contention is that Artillery Centre, Hyderabad is a non-Industrial Establishment whereas the ASC Centre (South) Bangalore is an Industrial Establishment. Though the post of Boot Maker in an Industrial Establishment carries the scale of pay of Rs. 950-1500/- the same would not apply to a Boot Maker in a non-industrial establishment such as Artillery Centre, Hyderabad. Thus the pay of the applicant while serving as a Boot Maker in the Artillery Centre was correctly fixed in the scale of pay of Rs. 775-1025/-.

4. At the very outset, I must note that there is nothing on record to show that ASC Centre (South) Bangalore is an industrial establishment or that the duties of a Boot Maker

in ASC Centre (South) Bangalore ~~are~~ in any-way different from those of a Boot Maker of the Artillery Centre, Hyderabad. It is also not brought on record whether the qualifications specified for their initial recruitment are also different. In any case, there is no requirement, in the instant case to go ~~in~~ ^{to} that issue, for the reasons stated in the succeeding

5. The learned counsel for the applicant has drawn my attention to O.A.No. 443/88 decided by Hyderabad Bench of this Tribunal vide order dated 29-09-1989. Relevant portion of the judgement is reproduced below:-

"The contention of the respondents that the pay is not correct. The Pay Scales are also applicable to the non-industrial workers as per the Documents (Appendix to CPRD 81/83 and Appendix to CPRD 10/85) referred to above. Therefore, there should not be any discrimination between non-industrial bootmakers working in AG's Branch and non-industrial boot-makers working in EME Branch. Therefore, the applicant is entitled to get the scale of pay on par with the non-industrial bootmakers working in AG's Branch."

6. The applicant before me is a Boot Maker, who had worked at Artillery Centre, Hyderabad and also ASC Centre (South) Bangalore. Admittedly the Artillery Centre, Hyderabad is a non-industrial establishment, there cannot, therefore, be any discrimination between a non-industrial bootmaker serving either ~~any~~ ⁱⁿ EME (Electrical and Mechanical Engineers) or in the AG's Branch. I also find that SLP filed by the Union of India

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Copy to:-

1. Secretary, Ministry of Defence, Union of India, Sena Bhavan, New Delhi.
2. The Commandant, HQ Artillery Centre, Hyderabad-31.
3. One copy to Sri. K. Sudhakar Reddy, advocate, CAT, Hyd.
4. One copy to Sri. V. Bhimanna, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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against the order of the Tribunal in OA.No. 443/88 has been dismissed by the Hon'ble Supreme Court.

7. In the result, there can be no dispute that the respondent No. 1, who was serving as a Boot-Maker with Artillery Centre, Hyderabad will be entitled to the scale of pay of Rs.950-1500/- (Rs.260-400/- pre-revised) with effect from the date he was re-mustered as a boot-maker, that is, 02-08-1986 till the date of relinquished the post in March 1994 when he left ASC Centre (South) for being absorbed as Mazdoor at GE, Golconda.

8. The respondents are directed to re-fix the pay of the applicant in the scale of pay of Rs.950-1500/- with effect from 02-08-1986 and pay him all the consequential benefits.

9. Learned counsel for the applicant vehemently contended that the applicant would be entitled to arrears together with interest. The standing counsel for the respondents opposed the request stating that as the applicant himself had approached the Tribunal in 1995, there is no justification to allow any interest on the arrears due to the applicant. Request for payment of interest is therefore rejected.

10. The respondents shall comply with the above order within a period of three months from the date of communication of this order.

11. The OA is ordered accordingly. No costs.

A.B. Gonthi
(A.B. Gonthi)
Member (Admn.)

Dated : The 28th August 1995.
(Dictated in Open Court)

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DA-198/95

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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A. B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 28.8.1995.

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

EN
O.A.NO. 19895

T.A.NO. (W.P.NO.)

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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