

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
 AT HYDERABAD

O.A. 1354 OF 1996

Dated, the 3rd February, '99.

BETWEEN :

1. P. Satyanarayana	10. PB Sarojini
2. Bh. Suraparaju	11. VV Swarnalatha
3. PV Ratnacharyulu	12. PVSN Raju
4. B. Vasantha Kumari	13. PVN Raju
5. G. Prabhakara Rao	14. SSR Murthy
6. Ch. Madhava Sankar	15. AS Prakasha Rao
7. Smt. S. Sai Kumari	16. L Venkata Rao
8. R. Ramachandra Rao	17. K. Ramu
9. B. Sarada Devi	18. KP Roy

... Applicants

A N D

1. Union of India rep. by its Secretary, D.R.D.O. Ministry of Defence, New Delhi-110011
2. Scientific Adviser/Director General, DRDO, New Delhi-110 011.
3. Director, NSTL, Visakhapatnam, Naval Science Technology Laboratory.

... Respondents

COUNSELS :

For the Applicants	: Mr. S Laxma Reddy
For the Respondents	: Mr. K. Bhaskara Rao

CORAM :

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMIN)
 THE HON'BLE MR. B. S. JAI PARAMESHWAR, MEMBER (JUDL)

✓

57/15

10/10/99

O.A. 1394/96

-:2:-

ORDER

(PER: HON'BLE MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL))

1. Heard Mr. S. Laxma Reddy, Learned Counsel for the Applicants and Mr. K. Bhaskara Rao, Learned Standing Counsel for the Respondents.
2. This is an application under Section 19 of the Administrative Tribunals Act. The application was filed on 6th November, 1996.
3. There are 18 applicants in this O.A. They are all Diploma-holders. They were recruited in the various Trades under the 3rd Respondent's Laboratory.
4. They submit that they came within the 14 Trades which were subsequently redesignated as Tradesmen Category in the scale of pay of Rs.380-560 by SRO 221 of 1981 (Annexure-I, page 9 to the O.A.). They submit that they were treated as HS Gr.I Industrial Posts.
5. Prior to 1.1.73, the 13 Trades indicated in SRO 221 of 81 were the Feeder Category for the promotion to the post of Precision Mechanic.
6. On the basis of the recommendations of the Third Pay Commission, the Respondent No.1 issued SRO 245 of 75 dt. 11.7.75 (Annexure-II to the O.A.) designating all the 14 Trades including the post of Precision Mechanic in the scale of pay of Rs.380-560 with feeder categories from HS Gr.II. They submit that the same 14 Trades were like the redesignated Tradesmen 'A' category without any distinction each Trade vide SRO 221 of 81. They submit that the same designations of Tradesman continued in the latest SRO 15-E dt. 14.12.90.

R

O.A.1354/96

-3:-

7. They submit that on account of redesignation of 14 Trades including the post of Precision Mechanic after 1.1.73 all the trades were treated as equal, based upon the value of output turned out by each trade. They submit that the qualification prescribed and the experience required for appointments and promotion to the 'Precision Mechanic' and other 13 Trades after 1.1.73 including the feeder categories from which the promotion is to be made are one and the same.

8. They submit that all the 14 Trades were treated as one unit for the purpose of seniority and promotion to the Chargeman Gr.II in the Supervisory category. Their grievance is that the respondents differentiated from the 14 Trades found to be equal on the basis of value of work to give to those promoted as Pres.Mech. of higher scale of pay of Rs.425-700 on the ground that they have claimed the said benefit for treating them on par with Supervisory Gr.II category.

9. The Respondent No.1 granted the scale of pay of Rs.425-800 to the Precision Mechanic vide proceedings dt. 20.10.95 (Annexure-4 to the O.A.).

10. The applicants submitted a representation dt. 22.12.95 (Annexure-5 to the OA) stating that they should also be given the same scale of pay of Rs.425-700 since they were working in the same category of 14 Trades which were redesignated as Tradesman 'A' by SRO 221 of 81.

11. The respondents considered the representation of the applicants and by their letter dt. 13.3.96 (Annexure-6 to the O.A. page 16 to the O.A) informed the applicants that the pay scale, nature of duties etc. will be governed by the eligibility and entitlement to the post for which they were initially appointed and hence, the request regarding disparity in the scale of pay comparing with other posts and its scale of pay, etc. was not tenable.

2

O.A.1394/96

-:4:-

12. Being aggrieved the applicants have filed this O.A. for the following reliefs :

To declare the action of the respondents ~~is not extending~~ the action of the respondents is not extending the same pay scale of Rs.425-700 granted in favour of the Precision Mechanics vide letter dated 20.10.1995(Annexure-IV) to the applicants and also rejecting their representation, vide letter dated 13.3.1996 by the 3rd respondent, as totally illegal, unconstitutional and as such without jurisdiction violating Articles 14, 16, 39(1) (d) of the Constitution of India and consequently direct the respondents to extend the same pay scales from the date on which the Precision Mechanics granted or from the date from which the applicants were promoted or recruited to 'Tradesman 'A' category with all all consequential benefits.

13. The respondents have filed their reply stating that the applicants were initially recruited to the post of Radio Mechanic/Instrument Mechanic/Tool Maker, etc.; that the recommendations of the Third Pay Commission were accepted and given effect from 1.1.73; that prior to that date i.e. upto 31.12.72 there used to be a scale of pay of Rs.150-240 to the posts held by the applicants and the scale of pay of Rs.205-280 to the posts of Precision Mechanic; that the post of Precision Mechanic was a post for promoting the individuals appointed and serving in the posts of Radio Mechanic, Instrument Mechanic, Tool Maker, etc.; that the posts of Precision Mechanic was available for upgradation and was to be offered either on promotion or by direct recruitment; that the promotion could have been given to these workers who had attained "higher degree" of specialisation or who were able to deliver the goods with higher precision than those produced or turned out by the

R

O.A.1354/96

-:5:-

incumbents holding the posts of Radio Mechanic/Instrument Mechanic/Tool Maker, etc.; that on the basis of the recommendations of the Third Pay Commission the posts of Radio Mechanic, Instrument Mechanic, Sr. Electrician, Tool Maker, etc. which were carrying the scale of pay of Rs.150-240 and the post of Precision Mechanic carrying the scale of pay of Rs.205-560 were clubbed together and a common scale of pay of Rs.380-560 was given effective from 1.1.73. After implementation of the recommendations of the Third Pay Commission, the recruitment rules for the industrial categories were issued notifying the various trades carrying the revised scale of pay of Rs.380-560. The induction to these categories was either by promotion or by recruitment and the seniority rolls used to be maintained Trade-wise.

14. They submit that though the post of Precision Mechanic was included in one of the 14 Trades, carrying the scale of pay of Rs.380-560 there was an element of direct recruitment to all these 14 Grades to the $\frac{1}{2}$ of 1/3rd of the total vacancies filled based on this provision, 1/3rd of the total vacancies to be filled in by direct recruitment as per the requirement of the Establishment in various categories including in the category of Precision Mechanic.

15. They further submit that prior to 1.1.73 there were posts designated as Supervisor Tech. Gr.II and Supervisor Tech. Gr.III in the non-industrial cadres. The scale of pay for these posts upto 31.12.72 used to be Rs.205-280 and Rs.150-240 respectively. For non-diploma holders the scale of pay was Rs.175-240; that the Precision Mechanic was the Feeder Category for the post of Chargeman Gr.II and the was continued till the issue of SRO 29E/84. The post of Supervisor Tech. Gr.III was re-designated as Supervisor Technical and the post of Supervisor Tech. Gr.II was re-

✓

- : 6 :-

redesignated as Chargeman Gr.II vide SRO No.356/79. They submit that both the posts of Precision Mechanica and Supervisor Tech.II carrying the scale of pay of Rs.205-280 upto 31.12.72 ~~and~~ were higher posts to the posts of Radio Mechanic, Instrument Mechanic, etc. held by the applicants.

16. The Supervisor Tech, based on their allotted duties, agitated and submitted representations to the Government for grant of scale of pay of Rs.425-700. The Government accepted their plea and awarded the scale of pay of Rs.425-700 with effect from 1.3.77 vide letter No.F.32/5/75/US-II/D(Fy.II) dt. 10.5.77 as amended vide letter of even number dt. 2.11.77 and the same was made applicable to DRDO. As such, Supervisor Technical Gr.II and the Precision Mechanic were all along having having the identical scale of pay and both the posts were being filled by promotion from the same feeder category, granting higher scale of pay to Supervisors Technical created an anomaly inasmuch as senior persons appointed/promoted as Precision Mechanic were drawing lesser pay in the scale of pay of Rs.380-560 w.e.f. 1.1.73.

17. Further they submit that earlier the Supervisors Technical Gr.II were carrying the scale of pay of Rs.205-280 as on 31.12.72. The said posts were redesignated as Chargeman Gr.II/15.12.79. After 1.1.73, The Supervisor Technical Gr.II were given the scale of pay of Rs.380-560. But based on the recommendations of the Expert Classification Committee, the scale of pay of the Supervisor Technical Gr.II was raised to Rs.425-700. They submit that earlier the post of Precision Mechanic was in the scale of pay of Rs.205-280 upto 31.12.72. They felt that by clubbing the Precision Mechanic with Radio Mechanic, etc. after 1.1.73 and anomaly was created between the Precision Mechanic and Supervisor Technical Gr.II. Therefore, they felt it proper to ^araise the pay of the Precision

O.A. 1354/96

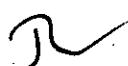
-: 7 :-

Mechanic who were working as such to that of Technical Supervisor Gr.II 15.12.79. Based on the recommendations of the Expert Classification Committee the scale of pay of Technical Supervisor Gr.II was enhanced to the scale of Rs.425-700. The post of Technical Supervisor Gr.II was redesignated as Chargeman Gr.II w.e.f. 3.6.80. Accordingly, the post of Precision Mechanic whose scale of pay was similar and identical to that of Technical Supervisor Gr.II earlier to 1.1.73 were given the same scale of pay to prevent an anomalous situation. Thus they submit that the higher scale of pay was given to the Precision only upto 3.6.80.

18. They further submit that even after 1.1.73 the category of Precision Mechanic and the number of posts in that cadre were shown separately as a separate category by itself. Only after issue of SRO 221 of 81 effective from 22.8.81 the post of Precision Mechanic which used to be shown as a separate category was clubbed together and was also part of the redesignated Tradesman 'A'.

19. The applicants who were earlier recruited in the scale of pay of Rs.150-240 prior to 1.1.73 were not in the cadre of Precision Mechanic in the scale of pay of Rs.205-280. Thus they submit that the applicants cannot claim higher scale of pay on par with the Precision Mechanics which post was a promotional post for them. Further, the applicants had not at all worked in the scale of Rs.205-280.

20. They further submit that merely because, the Precision Mechanic was clubbed with Radio Mechanics and others and redesignated as Tradesman 'A' in the scale of pay of Rs.380-560 does not give any right to the applicants to claim higher scale of pay of Rs.425-700.



O.A.1354/96

-: 8 :-

21. Thus the respondents pray for dismissal of the O.A.

22. The applicants have not filed any rejoinder to the reply.

23. The applicants pray for extension of higher scale of pay of Rs.425-700 granted in favour of the Precision Mechanics which is a promotional post for the applicants upto 31.12.72 since the post of Precision Mechanic in the scale of pay of Rs.205-280 was clubbed with the Radio Mechanics, Instrument Mechanic, etc. and redesignated as Tradesman 'A' based on the recommendation of the Third Pay Commission.

24. It is to be noted that the post of Supervisor Technical Gr.II was in the scale of pay of Rs.380-560 but on the basis of the recommendations of the Expert Classification Committee their pay was enhanced to Rs.425-700. The applicants were not in the scale of pay of Rs.205-280 at the time of recruitment. They were in the scale of pay of Rs.150-240.

25. In order to remove the anomalous situation, the post of Precision Mechanic which used to carry an identical scale of Rs.380-560 after 1.1.73 was given higher scale of pay of Rs.425-700. The respondents have further specifically stated that even though the post of Precision Mechanic was redesignated as Tradesman 'A' in the scale of pay of Rs.380-560 the said post was maintained as a separate category. When that is so the applicants cannot aspire for the scale of pay given to which the Precision Mechanics /they were not at all holding. It is submitted that by merging the post of Precision Mechanic with Tradesman 'A' the persons who were in the cadre of Precision Mechanic were put to disadvantageous position. Further certain members had challenged the said redesignation before this Tribunal. Accordingly, as per the directions of the Tribunal and as per the recommendations of the Expert Classification Committee which

N

O.A.1354/96

-: 9 :-

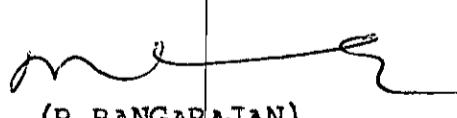
recommended for enhancement of the scale of pay to Rs.425-700 to the post of Technical Supervisor Grade-II which post had earlier carried an identical scale of pay of Rs.205-280 (pre-revised) the respondent authorities felt it proper to extend the same scale of pay to the Precision Mechanics who were in that grade upto 3.6.80. It is stated that from 3.6.80 the post of Technical Supervisor Gr.II was redesignated as Chargeman Gr.II.

26. The respondents specifically submit that the applicants were in the feeder category for the post of Precision Mechanic and that they cannot claim higher scale of pay without similar to discharging the duties performed by the Precision Mechanics. It is stated that the post of Precision Mechanic was filled 1/3rd by Direct Recruitment and 2-3rds by promotion. The post of Radio Mechanic, Instrument Mechanic, etc. were in the feeder category for the post of Precision Mechanic. Similarly because the post of Precision Mechanic was clubbed with other 14 Trades and redesignated as Tradesman 'A', the persons who were in the lower scale of pay at the time of clubbing cannot aspire for higher scale of pay.

27. In that view of the matter the O.A. has no merits and is liable to be dismissed.

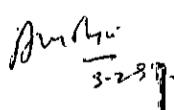
28. The O.A. is accordingly dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (J)


(R. RANGARAJAN)
MEMBER (A)

Dated, the 3rd Feb., '99.

CS


3-2-99