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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION Nos. 573 & 575 of 1996.

DATE OF ORDER : 01-09-1998.

Between :-

1. N.Vidya Sagar Raju	22.Syed Salauddin
2. B.Shiva Shanker	23.K.Maheshwara Lingam
3. S.Yadagiri	24.K.Laxmi Narayana
4. G.Vedavyasa Chary	25.G.Chandra Shaker
5. S.Charles	26.T.Manikya Reddy
6. B.Dharma Reddy	27.G.Veny Gopal
7. G.Narsimlu	28.S.V.Ramana
8. J.Malleesham	29.P.V.Narasa Raju
9. K.Laxminarayana	30.T.Srinivas Reddy
10.V.Kotesswara Rao	31.M.Arjun
11.N.Bhoopal Reddy	32.N.Ravinder
12.V.Ramesh Babu	33.D.Satish Kumar
13.P.Madhushaker	34.B.Sathi Reddy
14.S.Balaiah	35.B.Prabhaker Reddy
15.A.Srinivas	36.V.Srinivas
16.S.Narsimha Reddy	37.T.Jagadeshwar
17.P.Rajendram	38.I.Narsimulu
18.Vasantha Venu	39.D.Narender Reddy
19.G.Aravind Kumar	40.U.Sambasiva Rao
20.N.Ashok	41.M.Laxmaiah
21.Ch.Janardhan	...Applicants in OA 573/96

And

1. The Government of India,
rep. by the Secretary, M/o Defence,
Central Secretariat, New Delhi-110 001.
2. The Ordnance Factory Board,
rep. by the Director General of
Ordnance Factories, 10-A, Auckland
Road, Calcutta.
3. The General Manager,
Ordnance Factory Project,
M/o Defence, Govt. of India,
Eddumailaram, Medak Dist., AP.

... Respondents in OA 573/96

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Between :-

1. N.Prabhakar	22.P.Mallikarjuna Chary
2. P.Ashok	23.N.Ramanappa
3. D.Ramana Rao	24.I.V.S.S.Narayana Raju
4. P.Mohan Reddy	25.N.R.K.Babu Rao
5. G.Venkatesh	26.V.Prabhakar
6. G.Sanjeeva	27.Sudhakar
7. K.Prabhakar	28.T.Veeraiyah
8. M.Veeranjaneyulu	29.A.Yadagiri Reddy
9. D.Shanker	30.B.Yellaswamy
10.T.Ravi	31.V.Narsimlu
11.B.Srinivas	32.G.A.Prathap Kumar
12.V.Bheemaiah Chetty	33.B.G.Shankar
13.D.Esuf	34.K.Siva Kumar
14.S.Seetharama Raju	35.Anjaiah
15.Y.Parma Reddy	36.J.Eswara Rao
16.G.Prabhakar	37.D.Laxmaiah
17.M.Samya	38.B.Upparaiah
18.T.Raghava Rao	39.J.V.V.A.Pathi
19.Karan Raj	40.G.Srinivas Rao
20.Md.Abduliah Faheem	41.P.Narsimha Reddy
21.G.Rajendram	...Applicants in OA 575/96

And

1. The Govt. of India,
rep. by the Secretary,
M/o Defence, Central Secretariat,
New Delhi-110 001.
2. The Ordnance Factory Board,
rep. by the Director General of
Ordnance Factories, 10-A, Auckland
Road, Calcutta.
3. The General Manager,
Ordnance Factory Project,
M/o Defence, Govt. of India,
Eddumaiyalaram, Medak Dist., AP.

... Respondents

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Counsel for the Applicants : Shri P.Naveen Rao (in both OAs)

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC
(in both OAs)

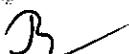
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CORAM:

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

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

 (Order per Hon'ble Sri R.Rangarajan, Member (A)).



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....2.

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri P.Naveen Rao, counsel for the applicant and Sri V.Rajeshwar Rao, standing counsel for the respondents in both the OAs.

2. The contentions raised in both the OAs as well as the relief asked for are same. Hence both the OAs are disposed of by a common order.

3. In OA 573/96 there are 41 applicants. It is stated that they passed the Board of Secondary School education and I.T.I. certificate and did one year apprenticeship leading to awarding of NCTVT certificate. They were recruited as Fitters in Respondent No.3 organisation. At present the applicants 1 to 10, 31, 38 and 39 are working in highly skilled Gr.II and other applicants are working as skilled grade. The detailed service particulars of the applicants are shown in (Annexure-17 page-39 to the OA).

4. While joining in the department between 1986 and 1987 they were taken as Semi-skilled Fitters in the scale of Rs.800--1150. The applicants submit that they are fully qualified and possess the required skilled for being posted in the skilled grade in the scale of pay of Rs.950--1500. They further submit that Artisans possessing similar qualification and experience are inducted as skilled Artisans in the other organisations such as Railways, Nuclear Fuel Complex, Border Roads Organisation and Quality Control & Assurance Department under the Ministry of Defence. The applicants were discriminated inspite of having similar qualification for having been inducted in the skilled grade. They also submit

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that the Govt. of India Ministry of Defence Circular No.1(2)/80/D/(ECC/1C) dt.16-10-1981 (Annexure-A-I page-16 to the OA) squarely applied to them and if para-2 in that circular is followed, then they would have been inducted in skilled grade instead of semi skilled grade.

5. In OA 575/96 there are 41 applicant who were recruited as Grinders in Semi Skilled grade initially whose details are enclosed at Annexure- XV page-38 to the OA). Their contentions and prayers also similar to the applicants in OA 573/96.

6. Both the OAs ~~were~~ ^{are} filed praying for a declaration that the action of the respondents in fixing the applicants in the scale of pay of Rs.800--1150 on their induction into service as arbitrary and unconstitutional and for a consequential declaration that the applicants are entitled for fixation of their pay and allowances on their initial induction into service at Rs.950--1500 with all consequential benefits.

7. A reply has been filed in this OA. From the study of both the OAs and the replies, a direction cannot be given judiciously. The applicants compare their work load and the duties performed by them with that of Railways and other organisations. They further submit that in other organisations for similar work they are paid higher scales. Hence they submit that the principles of "equal pay for equal work" will have to be applied. But to come to that conclusion, it is more essential to see the type of work done by these applicants and the type of work done by the ~~similarly~~ similarly situated employees in other organisations. Comparison merely on the scales of pay is inappropriate. The Principles of "equal pay for equal

"work" depends upon various factors. Those factors cannot be adjudicated. To see whether they are similar ~~or not~~ requires deep study of duty list and work performed by the applicants and others mentioned by them. Hence we feel it is for the department to come to a decision after comparing the work load as stated above. It is stated that the applicants in both the OAs have submitted their representations.

8. In OA 573/96 a representation submitted by one of the applicant is enclosed at Annexure A-XI (Page-31 to the OA) for granting them relief as prayed for in this OA. It is stated that the representation is yet to be disposed of. In OA 575/96 similar representation has been filed by the applicants (a representative petition is enclosed at Annexure-XIV page-37 to the OA) is yet to be disposed of.

9. In view of the pending representations, we feel that the case has to be remitted back to Respondents 2 and 3 ~~in original~~ ~~Applications~~ for disposing of the representations in accordance with the law. While doing so, the applicants to assist their employer should produce the duty list of the other organisations whom they state are doing a similar duties and granted the pay scale of skilled category. The respondents also should approach the other organisations for getting the necessary details in this connection. Two or three representatives of the applicants herein may also be called for by the respondents concerned to hear their views in this connection before disposing ^{of} the representations. The discussions should also be recorded for perusal at a later date if necessary.

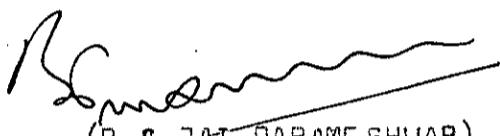
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10. With the above direction both the OAs are disposed of.
No order as to costs.

11. Time for compliance is three months from the date of receipt of a copy of this order.

12. The question of limitation if any, may also be considered by the respondents but the representations should ~~not~~ be dismissed on that count but the merit of the submissions of the applicants will ~~also~~ be considered.


(B.S. JAI PARAMESHWAR)

Member (D)

1.9.98


(R.RANGARAJAN)

Member (A)

Dated: 1st September, 1998.
Dictated in Open Court.

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Copy to:

1. The Secretary, M/o Defence, Central Secretariat, New Delhi.
2. The Director General of Ordnance Factories, 10-A, 2nd Road, Calcutta.
3. The General Manager, Ordnance Factory Project, Defence, Edumailaram, Medak District.
4. One copy to Mr. P. Naveen Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
6. One copy to D.R. (A), CAT, Hyderabad.
7. One duplicate copy.

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8/10/98 Z

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 19/88

ORDER/JUDGMENT

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

in

C.A.NO. 523/96 & 575/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLEGED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रिष्ठा / DESPATCH

11 SEP 1998

हृदयाबाद न्यायालय
HYDERABAD BENCH