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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 138 of 1997

Date of decision: 18.11.1999

1. National Council for Training in Vocational Trade (NCTVT), Trained Industrial Civilian Employees Association, MES, Shillong, Meghalaya, represented by Nurul Amin Barbhuyan, General Secretary, NCTVT Trained Industrial Employees Association, MES, Shillong.
2. Shri Ram Bahadur Limbu PETITIONER(S)

Mr B.K.Sharma and Mr S. SarmaADVOCATE FOR THE PETITIONER(S)

-VERSUS-

The Union of India and others RESPONDENT(S)

Mr B.S. Basumatary, Addl. C.G.S.C.ADVOCATE FOR THE RESPONDENT(S)

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local paper may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether the Judgment is to be circulated to the other Benches?

Judgment delivered by Hon'ble Vice-Chairman



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.138 of 1997

Date of decision: This the 18th day of November 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

1. National Council for Training in Vocational Trade (NCTVT) Trained Industrial Civilian Employees Association, MES, Shillong, Meghalaya, represented by Nurul Amin Barbhuyan, General Secretary, NCTVT Trained Industrial Employees Association, MES, Shillong.
2. Shri Ram Bahadur Limbu, Electrician (Skilled) under the Garrison Engineer, MES, Shillong.Applicants

By Advocates Mr B.K. Sharma and Mr S. Sarma.

- versus -

1. The Union of India, represented by the Secretary, Ministry of Defence, New Delhi.
2. The Engineer-in-Charge, Army HQs, New Delhi.
3. The Chief Engineer, Head Quarter, Eastern Command, Calcutta.
4. The Chief Engineer, Air Force, Shillong.
5. The Chief Engineer, Shillong Zone, Shillong.
6. C.W.E., S.E. Falls, Shillong.
7. C.W.E., Air Force, Guwahati, Assam.Respondents

By Advocate Mr B.S. Basumatary, Addl. C.G.S.C.

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O R D E R

BARUAH.J. (V.C.)

The applicant is an Association registered under the provisions of the Trade Union Act. The applicant has approached this Tribunal seeking direction to the respondents to give pay equal to that of similarly situated

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employees of other departments, like C.P.W.D., A.I.R. and Doordarshan. According to the applicant, the employees of Military Engineering Service (MES for short) are similarly situated with that of those employees.

2. The applicant has taken up the cause of various categories of employees of the MES, namely, Electrician, Wireman, Carpenter, Plumber, Fitter, Motor Mechanic, etc. All these employees are categorised as semiskilled, skilled and highly skilled Grade I and Grade II. According to the applicant, the nature of work, qualification and responsibilities of the employees of the MES are not less than that of their counterparts in the other departments, namely C.P.W.D., A.I.R. and Doordarshan. As they are equally situated they are entitled to equal pay with that of the employees of the other departments. The applicant, taking up the cause of the semiskilled, skilled and highly skilled categories of employees of the MES submitted various representations, Annexures 5, 6 and 7 dated 31.10.1996, 21.11.1996 and 1.12.1996 respectively, about their grievances for not giving pay equal to that of the employees of other departments. But the representations were not disposed of for more than six months. Situated thus, the applicant has filed this present application.

3. The application was admitted by this Tribunal on 24.6.1997. Before filing of the application, however, the respondents intimated the applicant that the matter was under consideration by the higher authority.

4. In due course the respondents have entered appearance and filed written statement.

5. During the pendency of the present application, by Annexure 9 order dated 6.3.1999, i.e. long after the

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admission of the application, the respondents disposed of the representations by conveying the order of the E-in-C's Branch, Army Headquarter dated 24.12.1998. We wonder how the respondents could dispose of the representations in view of the provisions contained in Section 19 (4) of the Administrative Tribunals Act, 1985. In our opinion Annexure 9 order 6.3.1999, in the eye of law, is non est. Therefore, it can be said that no representation was disposed of. In any case, the letter dated 24.12.1998 by which the representations were said to be disposed of relates only to Electrician (skilled) and not in respect of others.

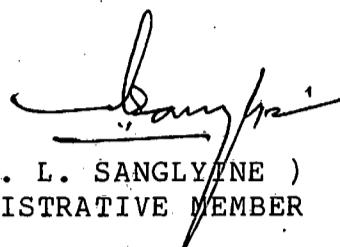
6. In the representations, the applicant has taken up the cause of the various categories of workers/employees as mentioned hereinbefore. We feel that these require detailed examination of the facts which is necessary for coming to the conclusion as to whether the employees of the MES are entitled to the pay equal to that of their counterparts in the other departments mentioned above. Therefore, we feel that it will be expedient, if the applicant files a fresh representation giving details of the claims of the employees of the MES regarding equal pay. We also feel that it will be convenient for the respondents to decide the matter if the applicant files separate representation for each category of employees.

7. Accordingly we direct the respondents to dispose of the representation/representations if filed within one month from today by a reasoned order following the principles laid down by the Apex Court regarding equal work, equal pay and this must be done within two months from the date of receipt of such representation/

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representations.

8. The application is accordingly disposed of. However, considering the facts and circumstances of the case we make no order as to costs.



(G. L. SANGLYNE)
ADMINISTRATIVE MEMBER



(D. N. BARUAH)
VICE-CHAIRMAN

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