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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 360/2001
R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

Notes of the Registry	Date	Order of the Tribunal
<p>his application is in form, but not in the Consolidation Petition. It is filed vide M.P.F. No. 79548539 for R. 11.8.2001. Dr. Registrar. NS 6/9/07</p> <p>ps taken sent envelops d excess amount Rs 10/-</p> <p>Office forwarded and sent to for non's the Respondent 1 to 7 by Legal A.P.D. 9/10)</p> <p>LDIN: 3548 to 3554 dtd 20/9/07 R. Singh Khand cut (BA) Bant 20/9/07 Conc copy A Red</p>	<p>13.9.01</p> <p>mb</p> <p>17.10.01</p> <p>pg</p> <p>28.11.01</p> <p>mb</p>	<p>Order of the Tribunal</p> <p>Heard counsel for the parties.</p> <p>The application is admitted. Call for the records. Returnable by 4 weeks.</p> <p>List on 17/10/01 for further order.</p> <p>Member</p> <p>Vice-Chairman</p> <p>On the prayer of Mr B.C.Pathak, learned Addl.C.G.S.C four weeks time is allowed to file written statement.</p> <p>List on 28.11.01 for order.</p> <p>Member</p> <p>List on 4.1.02 to enable the respondents to file written statement.</p> <p>Member</p> <p>Vice-Chairman</p>

No. written statement
has been filed.

4.1.02

Written statement has been
filed. The case may now be listed for
hearing. List on 7.2.02 for hearing.
The applicant may file rejoinder within
two weeks.

K. K. Sharma
Member

[Signature]
Vice-Chairman

lm

7.2.02

On the prayer of Mr. S. Sarma, learned
counsel for the applicant, the case is
adjourned. to obtain necessary instructions
on the matter.

List on 8.3.2002 for hearing.

K. K. Sharma
Member

[Signature]
Vice-Chairman

mb

8.3.02

List again on 9.4.2002 for hearing
and to enable the parties to obtain
necessary instruction. The applicant may
in the meantime file additional affidavit
bringing into record some new development

K. K. Sharma
Member

[Signature]
Vice-Chairman

pg

9.4.02

List again on 6.5.2002 to enable the
applicant to obtain necessary instructions.

K. K. Sharma
Member

[Signature]
Vice-Chairman

mb

6.5.02

Heard counsel for the parties. Hearing
concluded. Judgment delivered in open Court,
kept in separate sheets.

The application is dismissed in terms
of the order. No order as to costs.

K. K. Sharma
Member

[Signature]
Vice-Chairman

pg

29.11.2001
W/s submitted
by the Repdt. No. 1 to 7.

No. rejoinder has
been filed.

[Signature]
7.2.02

*Recd. cum
siddhartha Sarma
for in
applicants. 17/5/02*

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~K.K.~~ No. . . . 360 of 2001.

DATE OF DECISION 6-5-2002.

National Council for Training in Vocational
Trade Employees Association. APPLICANT(S)

Sri B.K.Sharma, U.K.Nair ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors. RESPONDENT(S)


Sri B.C.Pathak, Addl.C.G.S.C ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers 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 ?

5. Judgment delivered by Hon'ble Vice-Chairman



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 360 of 2001.

Date of Order : This the 6th Day of May, 2002.

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

The Hon'ble Mr K.K.Sharma, Administrative Member.

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

By Advocate Shri B.K.Sharma, U.K.Nair.

- Versus -

1. Union of India, represented by the Secretary to the Government of India, Ministry of Defence, New Delhi-1.
2. The Engineer in-charge, Army Head Quarter, New Delhi.
3. The Chief Engineer, Head Quarter, Eastern Command, Fort William, Calcutta-21.
4. The Chief Engineer, Air Force, Elephant Falls Camp, Shillong.
5. The Chief Engineer, Shillong Zone, SE Falls, Shillong.
6. The Commander Works Engineer (CWE) SE Falls, Shillong.
7. The Commander Works Engineer, Air Force, Guwahati, Assam. . . . Respondents.

By Advocate Sri B.C.Pathak, Addl.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C)

This is an application under Section 19 of the Administrative Tribunals Act 1985 praying for the following reliefs.

- 1) To set aside and quash the impugned order dated

14.9.2000 and 24.12.98 directing the respondents to fix

the pay of the applicants in the pay scale of Rs. 1200-2040/- and its subsequent revision with retrospective effect alongwith corresponding increase in the said pay scale.

ii) to direct the respondents to pay the scale of Rs. 950-1500/- during their probation period and to give the benefit of said pay scale of Rs.950-1500/- from their date of entry to the cadre without prejudice to the prayer made above.

iii) to direct the respondents to remove stagnation of the cadre of the applicants and

iv) to direct the respondents alternatively to grant the pay scale of Rs. 4000-6000/- taking into consideration 5th Central Pay Commission recommendation placing their cadre under other technicians.

Their grievance pertains to granting of the pay scales. ~~Thus~~ ^{The} applicants claim parity in pay scale with other Central Government employees holding identical posts. The applicants represent the interest of the Electrician, Wireman, Carpenter, plumber, Fitter, Motor Mechanic, Refrigerator Mechanic, Upholster, Meason etc. They are working under Skilled (SK) category. The applicants earlier moved this Tribunal by way of O.A.138/97 claiming for raising their pay scale to that of other ^{employees} recruits. The Tribunal by judgment and order dated 18.11.99 directed the respondents to dispose of the representations by a reasoned order. By its order dated 14.9.2000 the authority disposed of the representation. In its communication the authority informed that as per recommendation of the Third Pay Commission for proper classification and fitment into appropriate pay scales in respect of industrial employees in Defence establishments, an Expert Classification Committee

under the Chairmanship of a retired High Court Judge was appointed by the Government to evaluate all industrial jobs, with reference to the job title, educational qualifications, job skills, physical effort, mental effort, visual effort, responsibility for machine and equipment, responsibility for material working conditions etc. and had awarded 'point scores' for each and every job. On the basis of co-relation point range evolved on the basis of five ~~jam~~ pay scales of Third Pay Commission, industrial employees were given appropriate pay scales by the Govt. Subsequently an Anomalies Committee had also looked into certain anomalies arising out of ECC fitment formula and removed them on the basis of unanimous recommendations of the committee which consisted of official side and staff side members of the Departmental Council (JCM) of Ministry of Defence. The Fifth pay Commission while reviewing the pay scales for industrial employees in Defence establishment has also taken into account that the existing fitment is on the basis of scientific evaluation of job contents done by ECC mentioned above. On the basis of the ECC/Anomalies Committee recommendations ^{the} ~~your~~ trade has been upgraded from Semi-Skilled ~~g~~ to Skilled grade and also given higher grades. According to the respondents there was no justification for holding that the functions and responsibilities were similar to those ~~of~~ where a higher pay scales was alleged to be existed. Assailing the aforesaid order the applicant alleged discrimination and arbitrary refusal of their right to equality. It was contended that some ^{persons} of the ~~applicants~~ belonging to the applicants cadre were given appointment in the scale of Rs. 330-480/- instead of Rs.260-400/- and the same was subsequently modified to the

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scale of 260-400/-. They also emphasise^{ed} that they are^{were} holder of ITI Certificate but they were getting less pay than that of the Draftsman and other equivalent post. It was stated and contended that persons performing lesser responsible duties are getting higher pay than that of the applicants and cited instances of some of the employees of Doordarshan Kendra and All India "radio etc.

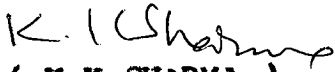
2. The respondents in its written statement contended that industrial employees in Defence establishment were fitted into appropriate pay scales on the basis^{score} of the point^{given} /by the Expert Classification Committee from 16.10.81. It was stated that as per recruitment rules in CPWD the Wireman, Armature Winder ~~etc~~ etc. are in the scale of Rs.950-1500/- and were promoted to the scale of Rs.1200-2040/- which was equivalent to HS Grade II in Defence establishment. The applicants ~~w~~ were initially appointed in the scale of Rs.800/- and placed in the scale of Rs.950-1500/- on completion of two years service.

3. We have heard Mr B.K.Sharma, learned senior counsel assisted by Mr U.K.Nair for the applicants and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents. The matter basically relates to the fitment of the employees in the appropriate scale and equation of post and equation of pay. The equation of post and equation of pay are basically belongs to the administrative area requiring expertise on such area. The Expert Committee evaluated the industrial jobs with reference to the nature of the job and other aspects. The pay scales are granted by the authority on the basis of the classification done by the Expert Committee. The principles of equal pay for equal work is applicable only among the similarly situated persons. On consideration of the materials on record we do not find any illegality

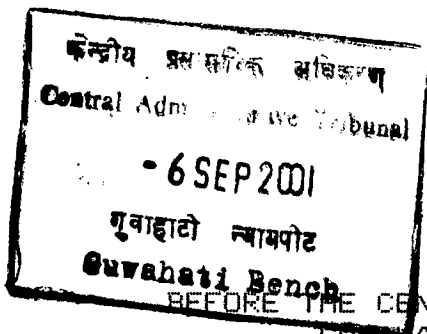
requiring interference with the order on judicial review. Mr B.K.Sharma, learned senior counsel in course of his argument contended that even in the same department the respondents provided higher pay scale to the persons similarly situated who were appointed later in point of time and referred to the appointment letter dated 31.10.2001 of one Md. Abdul Gafar Gain as Civilian Armourer in the scale of Rs. 4000-6000/-. In the absence of proper pleading and without further clarification it will be difficult on our part to go into such question.

The application is accordingly dismissed. The dismissal of the application shall not preclude the applicants to draw such anomaly and the authority on enquiry if found that there is some anomaly it will set at right the discrimination.

There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

O. A No. 360 /2001

BETWEEN

National Council for Training in
Vocational Trade (NCTVT) & Ors.

... Applicant.

- AND -

Union of India & Ors.

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Filed by

Usha Das.

Advocate:

File No. c:\ws\ss\nctvt

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Filed by
the applicant through
Elsha Das.
Advocate
4/9/2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

D. A No. 360 /2001

BETWEEN

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

... Applicants.

- AND -

1. Union of India, represented by the Secretary to the Government of India, Ministry of Defence, New Delhi-1.
2. The Engineer incharge, Army Head Quarter, New Delhi.
3. The Chief Engineer, Head Quarter, Eastern Command, Fort William, Calcutta-21.
4. The Chief Engineer, Air Force, Elephant Falls Camp, Shillong.
5. The Chief Engineer, Shillong Zone, SE Falls, Shillong.
6. The Commander Works Engineer (CWE), SE Falls, Shillong.
7. The Commander Works Engineer (CWE), Air Force, Guwahati, Assam.

... Respondents

DETAILS OF THE APPLICATION.

1. PARTICULARS OF ORDER AGAINST WHICH THIS APPLICATION IS
MADE.

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This application is directed against the order bearing No. 90237/6134/EIC (Legal-D) dated 14.9.2000 by which the Respondents have disposed of the representation preferred by the Applicants pursuant to the judgment and order dated 18.11.99 passed in OA No. 138/97.

2. LIMITATION

That the Applicants declare that the instant application has been filed within the limitation period prescribed under Section 21 of the Central Administration Tribunal Act, 1985.

3. JURISDICTION OF THE TRIBUNAL

The Applicants further declare that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE

4.1 That the Applicants are citizen of India and as such they are entitled to all the rights and privileges as guaranteed under the Constitution of India and laws framed thereunder.

4.2 That the Applicant No. 1 is a General Secretary of NCTVT Trained Industrial Civilian Employees Association which is a registered Union and have been registered under the Indian Trade Union Act, 1926. The Applicant No. 2 is an effected party and a member of the said Union. The cause of action and the relief sought for by the Applicants are common and hence they pray before this Hon'ble Tribunal to allow them

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to join together in a single application invoking Rule 4 (5) (b) of the Central Administrative Tribunal (Procedure) Rules, 1987 to minimize the number of litigation as well as the cost of the application.

4.3 That the Applicant No. 1 in the instant application represents the interests of their members who are presently holding the cadre of Electrician, Wireman, Carpenter, Plumber, Fitter, Motor Mechanic, Refrigerator Mechanic, Upholster, Meason, etc. Presently they are under skilled (SK) category in the above disciplines/cadres. The members of the Union whose interests are being represented by the Applicant is reflected in Annexure-A list containing their names and cadres.

4.4 That the grievances raised by the Applicants is in respect of their pay scale granted by the Respondents and also they claim parity in pay scale with other Central Government Employees holding identical posts. The Applicant No. 1 espousing the cause of its member preferred representations the concerned authority but nothing came out from the Respondents and the said inaction lead them to prefer OA 138/1997 before this Hon'ble Tribunal. On hearing the parties the Hon'ble Tribunal directed the Respondents to dispose of the representation vide its judgment and order dated 18.11.99. Pursuant to the aforesaid judgment and order Applicants preferred representations and the Respondents by issuing the impugned order dated 14.9.2000 rejected their claim. Hence this application.

4.5 That most of the Applicants got their initial

Skilled
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recruitment in the year 1986 to 1988 in the cadre of Lineman, Wireman, Switch Board attendant, etc. in the basic pay of Rs. 800/-. Simultaneously recruitments in other cadres have also been made by the Respondents fixing the basic pay as Rs. 800/- and the Applicant No. 1 also represents persons of those cadres. Their initial entry qualification was Diploma in ITI plus Matriculation. The next higher grade is skilled grade (SK) and presently all the Applicants are belongs to the cadre of skilled grade (SK). Their basic grievance is parity in pay scale with CPWD employees belong being to SK grade who were getting the basic pay of Rs. 1200/-.

A copy of one of appointment order issued in respect of the Applicant No. 2 dated 25.4.88 is annexed as Annexure-B.

4.6 That the Applicants are presently holding the posts under Group -C category (Skilled) (SK), and those posts are like Draftsman and Stenographer of their own department. It is noteworthy to mention here that in their own department disparity errors after 3rd Central Pay Commission recommendation along with the Draftsman (Group-D) and Stenographer (Group-D). During 3rd Pay Commission the Draftsman working under the Respondents had the pay scale of Rs. 260-430/- for grade III and in the other posts presently holding by the Applicants were in the pay scale of Rs. 260-400/-. In 1994 Government had decided to enhance the pay of Draftsman and their pay structure became (a) 330-560 Draftsman Grade III, (b) 425-700 Draftsman Grade-II

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and (c) 550-750 Draftsman Grade-I, on the basis of the award by the Board of Arbitration. After 4th Pay Commission recommendation the aforesaid scale of pay of Draftsman got revised (a) Draftsman Grade-III 1200-2040 (b) Draftsman Grade II 1400-2300 and (c) Draftsman Grade-I 1600-2660. However, the said benefit of arbitration award was never extended to the Applicants and their pay as on 3rd Pay Commission remained unchanged. After the recommendation of 4th Pay Commission the unchanged pay scale of the Applicants were revised to 950-1500 for Grade-III, 1200-1800 for Grade-II and 1320-2040 for Grade-I.

4.7 That the Applicants beg to state that in their cadre also there were anomalies between employees to employees. Some of the incumbents belonging to Applicants cadre were given appointment in the scale of Rs. 330-480/- instead of 260-400/- and same was subsequently modified to the scale of 260-400/-. In this connection mentioned may made of appointment given to Shri Wonderful Pharai, Vehicle Mechanic (Motor Mechanic) in the pay scale of Rs. 330-480/- but subsequently same was modified to the scale of 260-400/-.

A copy of the said appointment issued vide letter dated 11.7.83 in modification of earlier appointment order is annexed as Annexure-C.

4.8 That the Applicants beg to state that the aforesaid scale of 230-400/- was given to said Shri Pharai was correct but the Respondents subsequently modified the same without any basis. In fact Applicants are also entitled to the said pay scale which were denied to them. The present Applicants

31.X.2000
Md Abul
Ghaffar
Jaim
Civil
Answer
4000-6000

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are entitled to the pay scale prescribed for the Draftsman of their own department and to the other technicians working in other departments. The duties and responsibilities are much higher than that of those of other technicians of other departments in comparison to the present Applicants. Thus there is violation of principle of equal pay for equal work. It is pertinent to mention here that the case of Switch Board Attendant under the Respondents now re-designated as Electrician in whose case similar relief was granted to them. In their cases also the initial pay scale was 950-1500/- state way after joining the posts by them. Corrigendum was issued reducing the pay scale to Rs. 800-1150/-. Situated thus they approached the Hon'ble Tribunal by way of filing OA before this Hon'ble Tribunal and this Tribunal held the aforesaid downgradation as illegal and finally they continued to get the pay scale of Rs. 950-1500/-. Thus on the same score alone, the Applicants are also entitled to similar relief. The Respondents of their ought to have revised the pay of the Applicants taking into consideration the case of the Switch Board Attendants.

4.9 That the Applicants beg to state that unlike the other cadres Applicants at the time of their initial appointments used to get the pay scale of Rs. 800-1150/- during their probationary period of 2 years and at the time of confirmation the said pay scale was enhanced to the actual pay scale of Rs. 950-1500/-. It is stated that under no circumstances the Respondents could deny the Applicants their actual pay during probationary period.

4.10 That the Applicants are holders of ITI certificate with

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Matriculation like the Draftsman but having similar entry qualification but they are getting less pay than that of Draftsman. In all the posts presently holding by the Applicants requires ITI certificates and as such their qualification at the time of initial appointment were exactly the same to Draftsman working under the Respondents and hence they are entitled to same pay scale. On the other hand a simple Driver he could acquire a driving license gets the pay scale higher than that of the Applicants. This is in violation of Article 14 of the Constitution of India.

4.11 That the Applicants beg to state that in the other departments incumbents holding the same post in the same cadre performing lesser responsible duty are getting higher pay than that of the Applicants. Mention may be made out some of the departments i.e. (a) In Doordarshan Kendra a Tailor who is equivalent to Upholster get higher scale of Rs. 1200-1800/-. The ITI course meant for both the cadres are similar including the qualification and the entry qualification for both the cadres are same in both the departments. (b) in All India Radio, the Technician which is inclusive of all the categories to which the present Applicants belongs to, gets the higher pay scale of Rs. 1200-2040/- whereas their entry qualifications are same.

Copies of appointment orders as example are annexed as Annexure-D.

4.12 That the Applicants beg to state that a Stenographers Group-D and Draftsman working under the Respondents are drawing higher pay than that of the Applicants even after

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performing lesser responsible and lesser risking duties which is violative of constitutional mandates. Hence appropriate directions is required to be issued to the Respondents revising their pay.

4.13 That the Applicants beg to state that as per 4th Pay Commission recommendation the incumbents in the pay scale of Rs. 260-430, 260-400, and other analogous pay scale were placed in common pay scale after its recommendation. In the said terms of recommendation itself the cases of the Applicants are required to be considered for higher pay scale taking into consideration the pay scale of Stenographers and Draftsman working under the Respondents.

4.14 That the Applicants being aggrieved preferred representation dated 30.10.96, 21.11.96 and 17.12.96 ~~also~~ praying for redressal of their grievances but same yielded that no result in positive.

Copies of the said representations are annexed as Annexure-E, F and G respectively.

4.15 That the Respondents in response to the aforesaid representations intimated the Applicants vide their letter dated 2.1.97 regarding the fact of forwarding the aforesaid representations. It was further intimated by the aforesaid letter dated 2.1.97 that the final decision will be taken by the Respondent No. 2 and same will be intimated in due course of time.

A copy of the letter dated 2.1.97 is annexed as

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Annexure-H.

4.16 That even after lapse of several months when nothing came out from the Respondents regarding the final decision of the matter the Applicants preferred OA 138/97. During the pendency of the aforesaid OA the Respondents issued an order dated 24.12.98 by which the claim of the Applicants have been rejected. To that effect the Applicants preferred a Miscellaneous Application praying for amendment of the said OA 138/97 and amendment was allowed. The Respondents preferred their written statement.

A copy of the letter dated 24.12.98 is annexed as Annexure-I.

4.17 That in the said impugned communication dated 24.12.98 the Respondents raised the contentions regarding entry qualification and comparison has been made with the employees of CPWD. It is pertinent to mention here that in CPWD employees belong to the category if Lineman, Wireman, etc., there is no prescribed entry qualification both educational and technical. However, in the same categories under the Respondents the entry qualification is ITI with educational qualification from the cadre of Lineman, Wireman the next promotion is semiskilled and thereafter Skilled (SK) the cadre which the Applicants are belong to. Thus the comparison made in the impugned order is not sustainable from the cadre of semiskilled Applicants are promoted to Skilled category thus it is incorrect to say that the category of Lineman, Wireman of CPWD are similar to Skilled category under the Respondents. Even in the cadre of

Lineman, Wireman of Applicants cadre are more qualified than that of the employees working in the cadre of Lineman, Wireman even in Skilled cadre of CPWD.

4.18 That the aforesaid OA was disposed of by the Hon'ble Tribunal vide its judgment and order dated 18.11.99 directing the Respondents to dispose of the representation preferred by the Applicants. The Applicants accordingly preferred representations to the concerned authority praying for redressal of their grievances pursuant to the aforesaid judgment and order dated 18.11.99.

A copy of the judgment and order dated 18.11.99 is annexed as Annexure-J.

4.19 That the Respondents thereafter issued the impugned order dated 14.9.2000 by which the claim has been finally rejected.

A copy of the aforesaid impugned order dated 14.9.2000 is annexed as Annexure-K.

4.20 That in the impugned order dated 14.9.2000 the Respondents has pointed out the basis on which the pay is to be fixed. Amongst those conditions reference has been made of industrial job with reference to job title and the method of evolution of pay on the basis of educational qualification, jobs skilled, physical effort, mental effort, visual effort, responsibility for machine and equipment, responsibility for material, working conditions etc. It is stated that taking into consideration of those aforementioned conditions the service of the Applicants

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cannot be treated as an low profile one. The incumbents working in the cadre of Lineman, Wireman, Semiskilled and Skilled under CPWD used to work under 220 Volt. In their case they are allotted with indoor works only and they have got no power house maintenance duty, and they used to receive power from State Electricity Board which is approximately 220 Volt. On the other hand Applicants used to works under 11 Kilo Volt. over Head Line including maintenance of their own power house and other maintenance work. From the above it is clear that the Applicants are performing more risky and more responsible duty than that of the incumbents working in CPWD.

4.21 That the Applicants beg to state that similarly situated employees working under MES approached the Hon'ble Tribunal praying for parity for pay scale and that was allowed by this Hon'ble Tribunal. The present Applicants are also praying for similar type of relief from this Hon'ble Tribunal. Again the employees of All India Radio and Doordarshan Kendra preferred OA before the Hon'ble Principal Bench and got their relief.

The Applicants inspite of their best efforts could not collect the copy of the judgment mentioned above and hence they pray before this Hon'ble Tribunal for a direction to the Respondents to produce the same at the time of hearing of this case.

4.22 That the Applicants beg to state that even after recommendation of the 5th Central pay Commission the classification made in respect of the Applicants cadre

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suffered irreparable loss. In the 5th Central Pay Commission recommendation the classification made under the head of other technicians the cadre of the Applicants can very well be fit in and they can be granted with the pay scale of Rs. 4000-6000/-. But the Respondents have failed to take into consideration that aspect of the matter and resulted tremendous financial hardships to the present Applicants.

A copy of the extract of 5th Central Pay Commission recommendation is annexed as Annexure-L.

4.23 That the Applicants beg to state that in all respect the Respondents are depriving them from their legitimate claim of higher pay whereas persons similarly situated like them even performing lesser risking and lesser responsible job are getting more pay. Hence this application praying for an appropriate direction to the Respondents to fix the pay of the Applicant at a higher rate as has been granted to the other similarly placed employees working in CPWD and/or other departments.

5. GROUND WITH LEGAL PROVISIONS

5.1 For that the action/inaction on the part of the Respondents are illegal, arbitrary and violative of the Article 14 of the Constitution of India and hence same is liable to be set aside and quashed.

5.2 For that the impugned order dated 14.9.2000 is perse illegal and arbitrary and same is also factually not correct and hence the same is liable to be set aside and quashed.

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5.3 For that the action on the part of the Respondents in making the evaluation is illegal as same depicts total non-application of mind by them and hence same is liable to be set aside and quashed.

5.4 For that the comparison made by the Respondents by issuing the impugned order dated 14.9.2000 is illegal and baseless. The Applicants who are performing the duties of higher responsibility and risk cannot be paid a lower pay scale than that of an employee performing comparatively lower responsibility and lower risky duty. This action on the part of the Respondents are violative of Article 14 of the Constitution of India. The Applicants if not granted higher pay than that of those employees, atleast they are entitled to equal pay.

5.5 For that in any view of the matter the action/inaction on the part of the Respondents is not sustainable in the eye of law and liable to be set aside and quashed.

The Applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of this case.

6. DETAILS OF THE REMEDIES EXHAUSTED.

That the Applicant declares that they have exhausted all the possible departmental remedies towards the redressal of the grievances in regard to which the present application has been made and presently they have got no other alternative than approached this Hon'ble Tribunal.

Any

7. MATTER PENDING WITH ANY OTHER COURTS

That the applicants declares that the matter regarding this application is not pending in any other Court of Law or any other authority or any other branch of the Hon'ble Tribunal.

8. RELIEF SOUGHT:

Under the facts and circumstances stand above the Applicant prays that the instant application be admitted, records be call for and upon hearing the parties on the cause or causes that may be shown and on perusal of records be pleased to grant the following reliefs..

8.1 To set aside and quash the impugned order dated 14.9.2000 and 24.12.98 directing the Respondents to fix the pay of the Applicants in the pay scale of Rs. 1200-2040/- and its subsequent revision with retrospective effect alongwith corresponding increase in the said pay scale.

8.2 To direct the Respondents to pay the scale of Rs. 950-1500/- during their probation period and to give the benefit of said pay scale of Rs. 950-1500/- from their date of entry to the cadre without prejudice to the prayer made above.

8.3 To direct the Respondents to remove stagnation of the cadre of the Applicants.

8.4 To direct the Respondents alternatively to grant the pay scale of Rs. 4000-6000/- taking into consideration 5th Central Pay Commission Recommendation placing their cadre under other technicians.

8.5 Cost of the application.

Ag

8.6 Any other relief/reliefs to which the present Applicant are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

In view of the facts and circumstances stated above Applicants do not pray for any interim order at this stage.

10. THE APPLICATION IS FILED THROUGH ADVOCATE:

11. PARTICULARS OF THE POSTAL ORDER :

(I) I.P.O. No.: 76 548539
(ii) Date: 11-8-2001
(iii) payable at Guwahati

12. LIST OF ENCLOSURES :

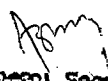
He

VERIFICATION

I, Shri Nurul Amin Barbhuyan, General Secretary, National Council for Training in Vocational Trade (NCTVT), Trained Industrial Civilian Employees Association, MES, Shillong, Meghalaya, aged about 36 years, resident of Shillong, Meghalaya, do here by solemnly affirm and state that the statement made in this application from paragraph ^{and 428 and 5 to 12} 2-3, 41-44, 46, 48-410, 412-413, 418 are true to my knowledge and those made in paragraphs 1, 45, 47, 411, 414-416, 418, 419 & 422 are matters records of records informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on 4th day of Sept ~~May~~ 2001.

Signature.


General Secretary
NCTVT trained Industrial
Civilian Employees Association
MES
Shillong

12 Sets

ANNEXURE 'A'.

NOVEE TRAINED EMPLOYEES ASSOCIATION

LIST OF MEMBERS.

1.	Sri Robin Patgiri	G.S. Unro1.
2.	Sri Nabin Ch. Das	-do-
3.	Sri Anandshyan Roy	-do-
4.	Sri Anmol Hazarika	-do-
5.	Sri Christopher Bohuten	-do-
6.	Sri Anandhara Singh	-do-
7.	Sri Karna Kanta Nath	-do-
8.	Longbor S. Warjari	-do-
9.	Sri Ghompang Lartang	-do-
10.	Sri Alaudala Borbhuiya	-do-
11.	Sri Benedict Marbaning	-do-
12.	Sri Phring Kharkhujan	-do-
13.	Sri Mani Gopal Das	-do-
14.	Sri Konewar Sharma	-do-
15.	Sri Francis Mongma	-do-
16.	Sri Agit Rj. Dhar	-do-
17.	Sri Kour Md. Ali Ananda	G.S. Airforce.
18.	Sri Kama Main Lomhyya	-do-
19.	Sri Mitish Das	-do-
20.	Sri Floyne Diandoh	-do-
21.	Sri Shalbi Senoly	-do-
22.	Sri Jagan Lalakdar	-do-
23.	Sri Manohir Paul	-do-
24.	Sri Rajen Dhura	-do-
25.	Sri Kuladhar Kalita	-do-
26.	Sri Ph Lomara Lalakdar	-do-
27.	Sri Md. Alim	-do-
28.	Sri N.W. Branchari	-do-
29.	Sri Hiran Ch. Nath	-do-
30.	Sri Jogen Ch. Sama	-do-
31.	Sri Anand Ch. Kooe	-do-
32.	Sri Ranb-hadur Limbu	G.S. Shillong.
33.	Sri Md. Sahadat Hossain	-do-
34.	Sri Kapash Nath	-do-
35.	Sri Subash Nath	-do-
36.	Sri G. Branchari	-do-

Anested
Advocate.

37.	Sri Niron Ch. Loro	G.E. Shillong.
38.	Sri A.S. Laskar	-do-
39.	Sri Prabashis Kar	-do-
40.	Sri John Rani	-do-
41.	Sri Chayan Deb	-do-
42.	Sri R.K. Chakraborty	-do-
43.	Sri T.K. Das	-do-
44.	Sri Badrul Hque Borbhuya	G.E. Shillong.
45.	Sri Wonderful Lapras	-do-
46.	Sri A.K. Deka	G.E. Narrangi.
47.	Sri A.K. Dey	-do-
48.	Sri Animesh Das	-do-
49.	Sri A. Pathak	-do-
50.	Sri BK. Dutta	-do-
51.	Sri G. Sarma	-do-
52.	Sri C.D. Lakhar	-do-
53.	Sri Dipak Bayan	-do-
54.	Sri L.C. Rabha	-do-
55.	Sri Nagen Sarma	-do-
56.	Sri Phanidhar Deka	-do-
57.	Sri Pradip Deka	-do-
58.	Sri Ramesh Sarma	-do-
59.	Sri Homeshawar Boro	-do-
60.	Sri Umesh Ch. Baskya	-do-
61.	Sri B.B. Bora	-do-
62.	Sri M.C. Das	-do-
63.	Sri G. Thakuria	-do-
64.	Sri Sonil-Lal Roy	-do-
65.	Sri Shanindra Sharma	-do-
66.	Sri C.R. Kalita Dutta	-do-
67.	Sri D. Barman	-do-
68.	Sri Niranjan Choudhury	-do-
69.	Sri Aboy Basumatary	A.G. Baisistha.
70.	Pranjit Das	-do-
71.	Sri Khitash Deka	-do-
72.	Sri Bhavananda Das	-do-
73.	Sri Probodh Ch. Das	-do-
74.	Sri Labayan Deka	-do-
75.		

Attested

 [Signature]

- 20 -

77.	Mr. Bhawali	A.G. Bolisitha.
78.	Sri Atul Ch. Patgiri	-do-
79.	Sri Shabrajoti Mukherjee	-do-
80.	Sri Atul Ch. Sarma	G. Borjhar.
81.	Sri Basanta Goswami	-do-
82.	Sri N.H. Deka B.B. Brahmachari	-do-
83.	H.K. Kalita	-do-
84.	Sri D.K. Das	-do-
85.	Sri S. Rahman	-do-
86.	Sri H. Haloi	-do-
87.	Sri Lohit Ch. Kokoti	-do-
88.	Sri Delip Das	-do-
89.	Sri Parosh Das	G.B. Borjhar.
90.	Sri Arabintha Sarkar	-do-
91.	Sri Prabir Das	AFE(I) Kumbirgram.
92.	Sri P. Choudhury	-do-
93.	Sri H. Paul	-do-
94.	Sri H. Sarma	-do-
95.	Sri Hilal Mazumder	-do-
96.	Sri Debashila Das	-do-
97.	Sri A.C. Roy	
98.	Sri S.C. Das	-do-
99.	Sri S.A. Roy	-do-
100.	Sri K.A. Paul	-do-
101.	Sri A.U. Mazumdar	-do-
102.	Sri S.C. Dutta	-do-
103.	Sri H.U. Laskar	-do-
104.	Sri H.L. Das	-do-
105.	Sri PK Chakraborty	G.B. Silchar. (Masimpur)
106.	Sri S.A. Laskar	-do-
107.	Sri Anit Kr. Chakraborty	-do-
108.	Sri K.U. Laskar	-do-
109.	Sri Monimohan Singha	-do-
110.	Sri Hem Ch. Paul	-do-
111.	Sri Sankar Bhattacharjee	-do-
112.	Sri Kanta Muktar	-do-
113.	Sri Mir Kanti Barman	-do-
114.	Sri Mizanur Rahman Laskar	-do-
115.	Sri Gopal Ch. Ghosh	-do-

Attested
L. Das
 Advocate.

2077

ANNEXURE - B

30

Tele : Nily-255

Garrison Engineer Karayalaya
Garrison Engineer Shillong
Shillong Division
Shillong-793002

1015/8/ /H

25 Apr 88

H/Valley

APPOINTMENT : SEA

1. Shri Naik Ram Bahadur Limbu, who has been appointed as SEA through direct recruitment vide GWS Shillong letter No 3885/199/SEA dt 07 Apr 88 is hereby posted to Garrison divn.

2. You may take him on your strength wef 19 Apr 88 (FN) and his pay and allowances may please claimed accordingly.

(AK Jain)
Garrison Engineer

Copy to :-

Shri Naik Ram Bahadur Limbu (H/Valley)
UA GE Shillong

El Records - the following documents in respect of the above named individual is forwarded herewith for your further action :-

- (a) Arrival Report
- (b) Medical Report of Garrison
- (c) Medical Certificate
- (d) Sample
- (e) ...

in photostatic copies. X

SV Hall has been initiated by GWS Shillong and the same will be forwarded on receipt.

The individual's Regn No 51/87 and he has been sponsored by the employment exchange Shillong vide No A-22/88-89/86 dt 22 Feb 88 which should be published in the PTO

He will be in the scale of Rs 800-15-1010-EB-30-1150 and will be considered for promotion in the scale of Rs 950-20-1150-EB-25-1500 in terms of E-in-C's Branch New Delhi letter No 90270/89/E12 dt 11 Jan 85 by DPC after satisfactory completion of two years service in the grade (Semi skilled).

Attested
Advocate.

- 21 -
9/11

ANNEXURE - 'C'

ANNEXURE - 'C'

Tele Ally : 436

Commander Hiram Engineer
Karyalaya Shillong,
Office of the CSE Shillong.
S.E. Falls,
Shillong-11.

No. 1286/B/3969/EIA

11 Jul 83.

Shri Wonderful Phamai,
Voc. Mechanic,
C/o. G.E. Shillong.

APPOINTMENT : VEH. MECHANIC.

1. Reference your appointment letter issue vide this office letter No. 1285/B/16/EIA dated 7 Apr 83.

2. The following amendments may please be made on the above quoted letter :-

Para 1 pay scale.

For "B.350-3-370-10-400-EB-10-480".

and "B.260-6-290-EB-6-326-8-366-EB-8-390-10-400"

3. All other entries remain unchanged.

Sd/-
(K.B. Chettri)
Commander Hiram Engineer.

Copy to:-

G.E. Shillong- This disposes of Your let or
No. 1017/16/11/EIA dtd 25 May 1983.

Attested
Advocate.

21522-

32

ANNEXURE— D

GOVT. OF INDIA
OFFICE OF THE DIRECTOR
DOORDARSHAN KENDRA : SHILLONG. Dated 13.1.94.

ANNEXURE 'D'.

ORDER.

The Director, Doordarshan Kendra, Shillong is please to appoint Shri Amedius Khamthekren to the post of Tailor at Programme Production Centre, Doordarshan Kendra, Shillong w.e.f. 21st January, 1994(FN) in a purely temporary capacity in the pay scale of Rs.1200-30-1440 -EB-30-2040/- p.m. plus other allowances as admissible under rules until further order.

Shri Amedius Khamthekren will be given an initial pay of Rs.1200/- p.m. plus other allowance as per rules.

He will be on probation for two years w.e.f. 13th January, 1994.

Shri Amedius Khamthekren
Tailor
DDK, Shillong.

Sd/-
Sr. Administrative Officer
Doordarshan Kendra, Shillong.
For Director.

Copy :-

1. D.G., Doordarshan, Mandi House, New Delhi.

.....
.....
.....
.....

15. Shri A. Das, C.G.II, DDK, Shillong.

260 - 400

95

Attended
Vikas
Advocate.

NCTVT Trained Industrial Civilian Employees' Association (MES)

MEGHALAYA : SHILLONG

C/o - GARRISON ENGINEER

SHILLONG - 2

Regd No.-93

ANNEXURE - E

Ref No. NCTVT(A)/DG/01/FIN

Date 31/10/76
27/10/76

To

The chief Engineer
Shillong Zone
SE falls.Sub: - Grievances Of Pay and Allowances In Respect of
Various Industrial NCTVT(ITI) cadre under CWE
Shillong.

Dear Sir,

I have the honour to lay the following few lines for your kind consideration and sympathetic action from your end.

1. That sir, the NCTVT(ITI) cadre comprising E/M and B/R services under CWEShillong Zone were appointed in Group 'c' post during 1987 and 1988 in various capacity.

2. that sir, the NCTVT(ITI) cadre were placed in probationary period for two years as per appointment terms and condition for all but these cadre comprising E/M and B/R services were placed in semi skill category ignoring the respective certificate provided by National council for vocational training Institute, causing a financial hampered on pay and allowances to till date.

3. Again sir, I would like to draw your attention towards the duration of probationary period for similar situated Group 'c' post like driver motor transport and lower division clerk of the department, does not be effect on their pay and allowances while in probationary period. Side by side there is no such discriminatory attitude on the pay and allowances for poly technical cadre on their duration of probationary period while in appointment.

4. ✓ Sir, in continuation of my above submission I further like to draw your kind attention on the terms and condition of appointment of draftsman cadre in the department, the draftsman cadre are also of (ITI) institute having certificate of two years course but the department have not ignore the respective certificate holding by the cadre and appreciate the scale of Rs.1200-30-1380-EB-30-1560-EB-40-1800-EB-40-2040, according to their certificate.

5. That sir, the members of this Association recruited in the year 1987 and 1988 are all matriculate with two years and one year certificate in respective trade. A simple Matriculate joining the service as lower division clerk or equivalent are always placed in group 'c' scale, so also the draftsman cadre having similar qualification like the aforesaid member of Association is matriculation with two years certificate from ITI are invariably given the scale of Rs.1200-2040, whereas the members of this Association were given the scale of Rs. 000-15-1010-20-1150, for first two years and is highly discriminatory and against the provision of Article 14, 16 and 41 of the constitution of India.

6. And sir, In view of that matter the members of the Association bears this rightful grievances all through their service period till date and needs to be attened and mitigated without any further delay.

contd.....2/-

Attested
R. Das
Advocate

7. It is therefore, earnestly requested that your honour would kindly look into this matter urgently and placed the (ITI) two years certificate holder in the scale of Rs. 1200-2040, and in the scale of Rs. 950-1500, for one year certificate holder with effect from the date of their appointment so that they may not be deprived of their legitimate claim and aspiration in the service career.

8. A-very early attention of your honour in the afforesaid representation is highly solicited.

9. Thanking you and with regards.

NL
Yours faithfully,

(Nurul Amin Borbhuiyan)
General Secretary.

Copy to:-

1. E-IN-C'S Branch
Army Headquarters New Delhi
2. Under Secretary to Govt of India
Min of Def New Delhi
3. Chief Engineer HQ Eastern Command
Fort William Cal-21
4. Chief Engineer Air Force
Elephant Falls Camps Shillong
5. CWE SE Falls Shillong
6. CWE Air Force Guwahati
Assam

For information and
necessary action
please.

Attested
Advocate.

T Trained Industrial Civilian Employees' Association (MES)

MEGHALAYA : SHILLONG

C/o - GARRISON ENGINEER

SHILLONG - 2

Regd No.-93

ANNEXURE - F

(C O P Y)

Ref No...NCTVI(A)/MG/01/FIN

Date 21 Nov 96

To

The Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong

Subject :- AMENDMENT ON GRIEVANCES OF XXXX PAY & ALLOWANCES IN RESPECT OF VARIOUS NCTVT (ITI) CADRE UNDER CUE SHILLONG AND UNDER ZON/L CHIEF ENGINEER

Dear Sir,

1. Reference this Association letter of even number dated 01 Nov 96 addressed to your goodself and copy endorsed to others.

2. Para 7 of the above quoted letter may kindly be amended to read as under :-

" It is therefore, ^{earnestly} requested that your honour would kindly look into the matter urgently and place the (ITI) Certificate holders in the scale of 1200-30-1380-EB-30-1580-40-EB-40-2040 with effect from the date of their appointment so that they may not be deprived of their legitimate claim and aspiration in the service career".

3. Inconvenience caused is highly regretted please.

Thanking you,

Yours faithfully,

[Signature]

(NURUL AMIN BORBHUIYAN)
GENERAL SECRETARY

Copy to :-

1. E-In-C's Branch
Army Headquarters
New Delhi
2. Under Secretary to the Govt of India
Min of Def, New Delhi
3. Chief Engineer HQ Eastern Command
Fort William, Calcutta - 21
4. Chief Engineer Air Force
Elephant Falls Camp, Shillong
5. CUE SE Falls, Shillong
6. CUE Air Force, Guwahati

For similar action please. Inconvenience caused is highly regretted.

Attested
Advocate

Attested
Advocate

-26-30-
Trained Industrial Civilian Employees' Association (MES)

MEGHALAYA : SHILLONG

C/o - GARRISON ENGINEER

SHILLONG - 2

Regd No.-93

ANNEXURE - 67

ANNEXURE - 67

No. NCTVT(A)/MG/01/FIN

Date 17 Dec 96.

To

The Chief Engineer
Shillong Zone
Spread Eagle Falls camps
Shillong-11.

**Sub :- GRIEVANCES/ DISCREPANCY IN PAY AND ALLOWANCES
OF NCTVT (ITI) CADRES UNDER CUE SHILLONG AND
ZONAL CHIEF CHIEF ENGINEER.**

Dear sir,

1. Our reference letter No "NCTVT(A)/MG/01/FIN" Dated 31 st oct' 96, mentioned as 01 Nov' 96, in our amendment letter of even No, dt-21st Nov' 96.
2. It is regretted that we have not even received the interim reply of our letter mentioned above for morethan one month have elapsed.
3. That sir, you are aware that an (ITI) is an purely recognised Government Institute managed by Ministry of labour, government of India, the person who possessed the certificate such as Draughtsmen/ Stenographer in the Department were given the privilege of pay scale of Rs 260-430, by the third pay commission and in the mean time another privilege was given to these cadres in the year 1982, and they have been merged in the pay scale of Rs 330-560, subsequently in the fourth pay commission they were given the scale of Rs 1200-2040, for Gd-III, Rs 1400-2300, for Gd-II and Rs 1600-2660, for Gd-I vide Government of India, Ministry of finance letter No ~~13(1)~~ 13(1)-IC/91, on the basis of the award of board of arbitration.
4. That sir, whereas the isolated NCTVT (ITI) cadre which is presently serving in the department are ~~xxx~~ also belongs to the same NCTVT (ITI) certificate holders as Draughtsmen/ Stenographer, cadres and so this Association request your goodself to place the isolated NCTVT(ITI) in the scale of Rs 1200-2040, for Gd-III, Rs 1400-2300, for Gd-II and Rs 1600-2660, for Gd-I, and denial of this legitimate claim of the members of this Association is contrary to the Art 14, 15 and 41 of the Indian constitution.
5. Sir, in continuation of above submission this Association bring your kind notice that since 1947, to 1986, the Government had announced one to fourth pay commission and now the 5th one also likely to announce shortly. But sir, in all these pay commission Government/department had never thought the plight to certificate holder, instead they had given more privilege to the Diploma holder and to non certificate holder from time to time, and no cognisance was given to certificate holder issued by the Institute for NCTVT (ITI) cadres. It is however given the privileged only to the Draughtsmen/ Stenographer cadres.
6. Sir, further the Association like to bring your kind notice on the following facts of disparity and discrimination from the 3rd pay commission appointees and post 4th pay commission of these NCTVT (ITI) cadres.
 - (I) During 3rd pay commission the cadre was given the scale of Rs 260-400, and Rs 260-430, to Draughtsmen/ Stenographer.
 - (II) The appointees after 4th pay commission were given the scale of Rs 800-1150, in the name of probationary period for two years which is par to Rs 210, of 3rd pay commission.

Attested
Advocate.

contd. 2/-

-12/-

7. Sir, by this representation, this Association demands for the ~~xx~~ isolated cadres of NCTVT (ITI) certificate holders be given their legitimate ~~xxx~~ privilege from the date of appointment of every employees.

8. Hope, your goddself will definitely go in detail to find out the disparity and solve long awaited problems.

9. Thanking you and with regards.

Yours faithfully,

(NURUL AMIN ~~XXXXXX~~ BORBHUIYN)
General Secretary,

copy to :-

1. E-In-C's Branch
Army Head Quarters,
New Delhi.
2. Under secretary to Govt of India
MOD, New Delhi.
3. Chief Engineer, HQ Eastern Command
Fort William, C₁-21.
4. Chief Engineer A/F
Elephant Falls camp
Shillong-9.
5. CWE, SE Falls camp
Shillong-11.
6. CWE, A/F Santipur,
Guwahati.

For information and
necessary action please.

Attested
Advocate.

28.5

ANNEXURE - H
ANNEXURE - H
38

Tele : 6015

Headquarters
Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong - 793011

7023/2/1604 /EIC(2)

02 Jan 97

General Secretary
NCTVT Trained Industrial Civilian
Employees Association (NES)
Meghalaya
C/O CE Shillong - 793002

GRIEVANCES/DISCREPANCY IN PAY AND ALLOWANCES
OF NCTVT (ITI) CADRES UNDER CCE SHILLONG AND
ZONAL CHIEF ENGINEER

Sir,

Reference your letter No NCTVT(A)/NG/O1/FIN dated
17 Dec 96:

2. A copy of your letter No NCTVT(A)/NG/O1/FIN dated 31
Oct 96 has been forwarded to E-in-C's Br AMQ vide HQ CREC
Calcutta letter No 131520/2/2771/Engrs/EIC(2) dated
11 Dec 96.

3. It is therefore informed that the final decision
on the subject matter will be intimated to your office on
receipt from the higher authorities.

Yours faithfully,

(AK Doley)
AC II
For Chief Engineer

Received on
04.1.97

President
04.1.97

For Secy
04.1.97

Attested
Advocate.

Tele : 2442(AF)

Garrison Engineer (Air Force)
Elephant Falls Camp
Nongleyr Post
Shillong - 793 009

1010/

26 Mar 99

AGS B/R I
AGS B/R II (L'Peak)
AGS E/M
DSO

ATTN: UP INDUSTRIAL PERSONNEL PAY SCALES
INDUSTRIAL PERSONNEL

1. A copy of E-in-C's Branch, Army HQ letter No 91026/FGH/ NIC(2) dt 24 Dec 98 received under CME Shillong letter No 1046/466/SLA dated 22 Feb 99 is fwd herewith for your info and ~~ask~~ further action.

(Anil Kumar)
Maj
CE(AF) Shillong

COPY OF E-IN-C'S BRANCH ARMY HQ LETTER NO 91026/FGH/NIC(2)
DATED 24 DEC 98 ADDED TO CG SOUTHERN COMD & COPY FURNISHED TO
ALL OTHER COMDS

AS ABOVE

1. Reference your letter No 132501/29-A/Rep/ALB(S) dt 19.4.07 and 12-8-97 and letter No 132501/Rep/ALB(S) dt 20-1-98, 11-8-98, and 28-11-98 respectively.

2. In their representation the individuals have requested to grant pay scale of Rs 330-480 for Elect (SK) on the ground that in CPWD the pay scale of Elect is Rs 330-480. The case was referred by this HQ to the Min of Def. The Min has not agreed to grant the higher pay scale to Elect (SK) in MBS because in CPWD Elect are promoted from Wireman, Lineman, Armature winder which are equivalent grades as Elect (SK) in MBS. Further in CPWD 75% of post of Elect post are filled up by promotion when in MBS 100% are filled up by promotion. Besides this the benefit of three grade structure plus promotional avenue to the post of Master Craftman is also available in MBS.

3. In view of above the request of the applicants is not agreed to.

4. You are requested to info the applicant accordingly.

Sd/- x x x x
(KB Chettri)
JAO
SO II, Engrs (Pers)
for E-in-C

Attested
Advocate.

Lineman, Armature Winder

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

40

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.

.....

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

dn

Attested
C. X. O. A.
Advocate.

91

- 31 -

: 2 :

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 admission.....

[Signature]

Attested
[Signature]
Advocate

admission of the application, the respondents disposed of the representations by conveying the order of the E-in-C's Branch, Arm 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 such representation/representations.....

[Handwritten signature]

*M. S. Chaudhary
Advocate*

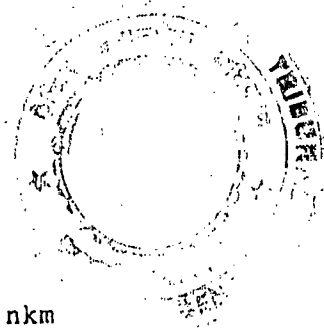
: 4 :

representations.

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

SD/- VICE-CHAIRMAN

SD/- MEMBER (A)



nkm

Certified to be true Copy
प्रमाणित प्रतिलिपि

Deputy Registrar (G)
Central Administrative Tribunal
Guwahati Bench

Attested
W. Das.
Advocate,

6/12/2015

- 34 -

ANNEXURE →

44
K

Tele: 301 9376

Army Headquarters
E-in-C Branch
DHQPO New Delhi-11

90237/6134/EIC(Legal-D)

14 Sep 2000

To

Sh Nonigopal Das
Carpenter (Skilled)
GE Umroi

262
950-1500
800-1150

COURT CASE OA NO 138/97 FILED BY NCTVT EMPLOYEES
AT CAT GUWAHATI

1. The undersigned is directed to refer to the Hon'ble CAT Guwahati Bench judgement dated 18.11.99 in OA No 138/97 wherein the court had directed the respondents to dispose of the representations if filed within one month from the above date by a speaking order following the principles laid down by the Apex Court regarding "equal work equal pay."

2. As per recommendations of Third Pay Commission for proper classification and fitment into appropriate pay scales in respect of industrial employees in Defence Establishments, an Expert Classification Committee under the Chairmanship of a retired High Court judge was appointed by the Govt. The ECC had evaluated all industrial jobs, with reference to the job title, educational qualifications, job skills, physical effort, mental effort, visual effort, responsibility for machine and equipment, responsibility for material, working conditions etc, and had awarded "point scores" for each and every job. On the basis of co-relation point range evolved on the basis of five pay scales of Third Pay Commission, industrial employees were given appropriate pay scales by the Govt. Subsequently an Anomalies Committee had also looked into certain anomalies arising out of ECC fitment formula and removed them on basis of unanimous recommendations of the committee which consisted of official side and Staff side members of the Departmental Council (JCM) of Ministry of Defence. The Hon'ble Supreme Court in CA No 3999-4023 of 1988 had held that the fitment of pay scales on the basis of ECC recommendations cannot be treated as arbitrary and the fitment after the classification by the ECC was what the justice demanded.

Attested
W.D.S.
Advocate.

Expert Class
Committee

3. The Vth Central Pay Commission while reviewing the pay scales for industrial employees in Defence establishment has also taken into account that the existing fitment is on the basis of scientific evaluation of job contents done by the ECC mentioned above. On the basis of ECC/Anomalies Committee recommendations your trade has been upgraded from semi-skilled to skilled grade and also given higher grades. In your representation you have not provided any material suggesting that functions and responsibilities of your trade are similar to those where a higher pay scales is alleged to be existing. It is however stated that as per Recruitment Rules, in CPWD also Wiremen, Armature Winder, etc, are in the scale of Rs. 950-1500 (pre-revised) and are promoted to the scale of Rs. 1200-1800 (pre-revised) which was equivalent to HS-II in Defence Establishments. In Defence also, the skilled tradesman are appointed in the pre-revised scale of Rs. 950-1500 and then promoted to the Highly skilled grade of Rs. 1200-1800. Thus there is no discrimination.

4. As mentioned above, the Hon'ble Supreme Court had already upheld the fitment of Industrial employees on the basis of ECC evaluation. In the case of state of Madhya Pradesh and Ors Versus Pramod Bhatiya and others the Supreme Court had examined in detail the issue of 'equal pay for equal work'. In this case also the Supreme Court had conceded that the equation of posts and equation of pay are matter primarily for the executive government and for the Expert Bodies like the pay commission. The Court further held that the principles of 'equal pay for equal work' may be properly applied in cases of unequal scales of pay based on classification or irrational classification. Your pay scales have been granted by the Govt. on the basis of the classification done by the ECC/Anomalies Committee which has been specifically upheld by the Hon'ble Supreme Court and later by the Central pay commission. The Govt has also introduced an Assured Career Progression Scheme for all Gp B.C.D employees and you will also be eligible for the benefit provided the laid down conditions are fulfilled by you.

5. Your representation dated 03 Jan 2000 is accordingly disposed of

Attested
[Signature]
Advocate

[Signature]
(MK Bansal)
SE(SG)
OIC Legal Cell
For L-in-C

REVISED SCALE
Rs.

SL. NO.	POST/ GRADE	PRESENT SCALE Rs.	REVISED SCALE Rs.
32.	S-32	7,600-FIXED 7,600-100-8,000	14,050-650-26,000
33.	S-33	8,000 - FIXED	16,000 - FIXED
34.	S-34	9,000 - FIXED	18,000 - FIXED

0-200-10,500

0-225-11,500

0-250-12,000

0-275-13,500

1- FIXED

1-275-9,550

3-325-10,975

0-325-15,200

1-325-15,850

1-375-16,500

1-375-16,500

1-375-18,000

1-400-18,300

1-400-18,300

1-450-20,000

1-450-20,900

1-450-22,400

1-500-22,400

1-525-24,500

1-600-26,000

PART-B

REVISED PAY SCALES FOR CERTAIN
COMMON CATEGORIES OF STAFF

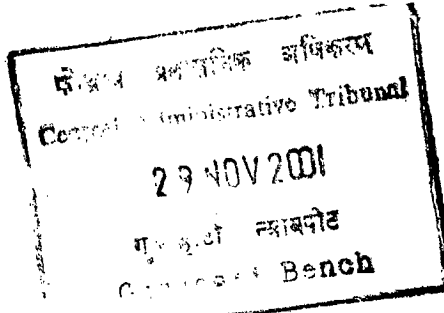
The revised scales of pay mentioned in Column 4 of this part of the Notification for the posts mentioned in Column 2 have been approved by the Government. However, it may be noted that in certain cases of the scales of pay mentioned in Column 4, the recommendations of the Pay Commission are subject to fulfilment of specific conditions. These conditions relate *inter alia* to changes in recruitment rules, restructuring of cadres, redistribution of posts into higher grades, etc. Therefore, in those cases where conditions such as changes in recruitment rules, etc., which are brought out by the Pay Commission as the rationale for the grant of these upgraded scales, it will be necessary for the Ministries to decide upon such issues and agree to the changes suggested by the Pay Commission before applying these scales to these posts with effect from 1-1-1996. In certain other cases where there are conditions prescribed by the Pay Commission as prerequisite for grant of these scales to certain posts such as cadre restructuring, redistribution of posts, etc, it will be necessary for the Ministries/Department concerned to not only accept these pre-conditions but also to implement them before the scales are applied to those posts. It would, therefore, be seen that it is implicit in the recommendations of the Pay Commission that such scales necessarily have to take prospective effect and the concerned posts will be governed by the normal replacement scales until then.

Attested

[Signature]
Advocate.

Sl. No. (1)	Posts (2)	Present Scale (Rs.) (3)	Revised Scale (Rs.) (4)	Paragraph No. of Report (5)
XVIII. PHARMACISTS				
(a)	Pharmacists possessing entry qualification of Diploma in Pharmacy		4,500-125-7,000	52.90
XIX. PHYSIOTHERAPISTS AND OCCUPATIONAL THERAPISTS				
(a)	Physiotherapist/Occupational Therapist	1,400-40-1,800-EB-50-2,300	5,500-175-9,000	52.96
(b)	Sr. Physiotherapist/Sr. Occupational Therapist	2,375-75-3,200-EB-100-3,500	8,000-275-13,500	52.96
XX. PUBLIC AND SOCIAL HEALTH WORKERS				
(a)	Medical Social Worker (holding qualification of Post Graduation or Graduation with 2 years Diploma in Social Work)	1,600-50-2,300-EB-2,660	5,500-175-9,000	52.103
(b)	Social Worker/Psychiatric Worker (holding qualification of Post Graduation or Graduation with 2 years Diploma in Social Work)	1,400-40-1,800-EB-50-2,300	5,500-175-9,000	52.103
(c)	Welfare Officer (Grade II)/Probation Officer (Grade II)/Prison Welfare Officer	1,400-40-1,600-50-2,300-EB-60-2,600	5,500-175-9,000	104.65
XXI. RADIOGRAPHERS/X-RAY TECHNICIANS				
(a)	Radiographer	1,350-30-1,440-40-1,800-EB-50-2,200	5,000-150-8,000	52.107
(b)	Radiographers requiring a minimum of 2 years diploma/certificate after 10+2 via RAYLE or MEDICAL AND BIOLOGICAL SCIENCES		4,000-100-6,000	52.107
XXII. OTHER TECHNICIANS				
(a)	Posts requiring Matriculation with some experience as minimum qualification for direct recruitment		4,000-100-6,000	52.111
(b)	Technicians with either a Degree in Science or Diploma in Engineering		5,000-150-8,000	52.111
XXIII. GARDENERS AND NURSERY WORKERS				
(a)	Sr. Garden Attendant	775-12-871-14-1,025	2,650-65-3,300-70-4,500	55.129
(b)	Asstt. Foreman	825-15-900-20-1,200	3,050-75-3,950-80-4,590	55.129
XXIV. VETERINARY STAFF				
(a)	Entry grade for all posts requiring a degree of B.V. Sc. and Animal Husbandry with registration in the Veterinary Council of India as the minimum essential qualification		8,000-275-13,500	52.291
(b)	Assistant Veterinarian/Biological Assistant/Zoological Assistant Possessing B.Sc. Degree in Biological Sciences	1,200-30-1,560-40-2,040/1,400-40-1,800-50-2,300/1,600-50-2,300-60-2,660	5,000-150-8,000	55.296
(c)	Stockman/Compounder/Stock Asstt./Animal Husbandry Asstt./Dresser	950-20-1,150-25-1,500 to 1,200-30-1,560-40-2,040	4,000-100-6,000	55.296
(d)	Para-Veterinary Attendant including Animal Attendant/Bull Attendant/Cattle Attendant/Sycc/Camel Attendant/Shepherds with minimum qualification of 8th class + 2 years experience of handling animals	750-12-870-14-940	2,610-60-3,150-65-3,540	55.296
XXV. TECHNICAL SUPERVISORS & WORKSHOP STAFF				
(a)	Chargeman/Chargeman 'B'/Chargeman (Technical) Grade II/Jr. Engineer, Grade II (Workshop)	1,400-40-1,800-50-2,300	5,000-150-8,000	54.38
(b)	Sr. Chargeman/Chargeman 'A'/Chargeman (Technical) Grade I/Jr. Engineer, Grade I Workshop	1,600-50-2,300-60-2,660	5,300-175-9,000	54.38
XXVI. ELECTRONIC DATA PROCESSING STAFF				
(a)	Data Entry Operator, Grade 'A'	1,150-25-1,500	4,000-100-6,000	55.71
(b)	Data Entry Operator, Grade 'C'	1,400-40-1,800-EB-50-2,300	5,000-150-8,000	55.71

16/01/2024
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI

O.A. NO. 360 OF 2001

M/S. NCTVT & Another

- Vs -

..... Applicants

Union of India & Ors.

..... Respondents .

(Written Statements for and on behalf of the
Respondents 1 to 7)

Written Statements of the abovenoted respondents
are as follows :

1. That a copy of the O.A. No. 360/2001 (referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar, common written statements are filed for and on behalf of all the respondents.
2. That the statements made in the application, except those specifically admitted, are hereby denied by the respondents.
3. Before submitting parawise written statements, the answering respondents beg to submit the background of the case, which may be treated as a part of the written statements. The background of the case are as follows :

The NCTVT employees Association has filed O.A. No. 360/2001 in the Hon'ble CAT, Guwahati to fix the pay of the applicants at a higher rate as has been granted to other department like CPWD etc.

The Association had earlier also filed O.A. No. 158/97 in Hon'ble CAT, Guwahati on all most all of similar issues. Hence the application is barred by res-judicata. The said OA was disposed of by the Hon'ble Tribunal vide its order dated 18 Nov 97 directing the respondents to dispose of the representation of the applicants through a Reasoned order following the principals laid down by the Apex Court regarding equal work, equal pay. The individual was served accordingly a reasoned order by Army HQ E-in-C's Branch vide their letter No. 90237/6134/EIC (Legal D) dated 14 Sep 2000.

Cppy of letter annexed herewith and marked as

Annexure - R/1.

As per recommendations of Third Pay Commission for proper classification and fitment into appropriate pay scales in respect of industrial employees in Defence Establishment, an Expert Classification Committee under the Chairmanship of a retired High Court Judge was appointed by the Govt. The ECC had evaluated all industrial jobs, with reference to the job title., educational qualifications, job skills, physical effort, mental effort, visual effort, responsibility for machine and equipment, responsibility for material, working conditions etc, and had awarded "Points score for each and every job. ~~On~~

On the basis of co-relation point range evolved on the basis of five pay scales of Third Pay Commission, industrial employees were given appropriate pay scales certain anomalies arising out of ECC fitment formula and removed them on basis of unanimous recommendations of the committee which consisted of official side and staff side members of the Department Council (JCM) of Ministry of Defence. The Hon'ble Supreme Court in CA No. 3999-4023 of 1988 had held that the fitment of pay scales on the basis of ECC recommendations cannot be treated as arbitrary and the fitment after the classification by the ECC was what the justice demanded. The Vth Central Pay Commission while reviewing the pay scales for industrial employees in Defence establishment has also been taken into account that the existing fitment is on the basis of scientific evaluation of job contents done by the ECC mentioned above.

4. That with regard to the statements made in para 1, 2, 3, 4 and 4.1 the respondents beg to state that the statements contain in paragraphs 1, 2, 3, 4 and 4.1 of the application are matter of record and do not require any specific comments from the answering respondents.

5. That with regard to the statements made in para 4.2 and 4.3 of the application the respondents beg to state that the applicants association was registered under Trade Union Act 1926 by Govt. of Meghalaya and its jurisdiction of representation is limited only within territorial boundary of Meghalaya State wherein MES industrial establishment like

41 -

5

~~46~~

GE Shillong, GE(AF) Shillong and GE Umroi exists. The said association was not competent to make the application on behalf of MES employees at large outside the jurisdiction of Meghalaya State as has been done as per Annexure 2x "A" of the Application. In the instant application wherein a large number of MES employees working under GE Narangi, GE Ø (AF) Borjhar, GE Guwahati, GE Silchar and A GE(I) Lumbargram etc situated in and around Assam have also been included. In this connection copy of the Association letter No. NCTVT/(A)/MG/01/Gen dated 30 Sept 96 which substantiate the above statement is enclosed herewith as Annexure - R/2. Although an association may file a case on behalf of its authorised members only but the institution of the application must be done by the association in the members provided by Rule 4(5)(b) of the CAT (Procedure) Rule 1987 as indicated above. But this has not been done in the instant case.

6. That with regard to the statements made in para 4.4, of the application the respondents beg to state that the respondents do not admit anything which are contrary to and inconsistent with the record.

7. That with regard to the statements made in para 4.5 of the application, the Respondent beg to state that the industrial employees of Defence establishment were fitted in appropriate pay scale on the basis of the point score given by the Expert Classification Committee from 16 Oct 81. The contents of applicants for equal pay with the CPWD the respondents beg to state that as per Recruitment Rules in CPWD

- 3 -

also Wireman, Armature Winder etc are in the scale of Rs. 950-1500 (Pre-revised) and are promoted to the scale of Rs. 1200-18- (Pre-revised) which was equivalent to HS Grade II in Defence Establishment. The applicants also appointed in the scale of 800 and placed in the scale of 950-1500 on completion of two years service in the grade interms of ~~of~~ of I letter No. 3810/DS/B & M/Civ I/84 dated 15 Oct 1984. (Annexure - R/3).

8. That with regard to the statements made in para 4.6, the respondents beg to state that the nature of work of the Draftsman/Stenographers compared to the applicants is completely different. As such the applicants can not claim the same pay scales as the Draftsman/Stenographers.
9. That with regard to the statements made in para 4.7, the respondents beg to state that this has no relevance to the case in as much as in the appointment letter issued to Shri wonderful Pharai, Veh Mech as the pay scale was inadvertently mentioned as Rs. 330-480 which was amended to Rs. 260-400 vide CWE Shillong (Appointing authority) letter No. 1286/B/3969/EIA dated 11 Jul 83. Copy attached as Annexure R/4.
10. That with regard to the statement made in para 4.8, the respondents beg to state that the scale as mentioned by the applicants are not correct. The scale given to the said Shri Pharai was 330-400 which was amended subsequently to 260-400 being oversight. As such the applicants can not make any claim

on this. The respondents also to state that the nature of work of the Draftsman and the applicants are completely different. In this regards the respondents draw the attention of the Hon'ble Tribunal the judgement f of Hon'ble Supreme Court in Civil Appeal No. 11486 of 20 Aug 96 as Annexure - R/5.

11. That with regards to the statements made in para 4.9, of the application the respondent beg to state that the Industrial employees of Defence establishment were fitted in appropriate pay scale on the basis of the point given by the expert classification committee from 16 Oct, 1991. On the basis of the anomalies committee recommendation which was appointed subsequent to the ECC, certain trades were upgraded to skilled from semi skilled. The anomalies committee had recommended that fresh induction of direct recruitee with ~~the~~ ITI certificates etc be in the semi skilled grade after ~~skipping~~ allowing them adequate time for the on the job training for a period of two years. These recommendations have been included in the Govt. letter dated 15 Oct 1984 issued in respect of MES.

Copy attached as Annexure - R/6.

12. That with regard to the statements made in para 4.10, the respondents beg to state that the nature of work of the Draftsman/Stenographers or Drivers compared to the applicants is completely different. As such the applicant can not claim the pay scale as the draftsman or any other such cadre.

13. That with regard to the statements made in para 4.11, the respondents beg to state that the equation of posts and equation of pay are matter primarily for the executive Govt. and Expert bodies like Pay Commission and not for Courts. In this regards the respondents draw the attention of the Tribunal that while discussing the cases decided during the course of judgement in the case of state of Madhya pradesh -Vs- Promod Bhartiya & Ors the Supreme Court had observed the "we concede that equation of posts and equation of pay are matters primarily for the Executive Government and Expert Committee bodies like the Pay Commission and not for Courts".

Copy attached as Annexure - R/7.

14. That with regard to the statements made in para 4.12, the respondent to reiterate the statement made in para 14 above.

15. That with regard to the statements made in para 4.13, the respondent beg to state that the applicants have compared themselves with the draftsman and stenographers in each para of this application and prayed for pay scale equal to them. The respondent reiterate that there is a lot of difference in type of work. Hence it can not be recommended for pay scale at par with draftsman/stenographers or any other category.

16. That with regard to the statements made in para 4.14, the respondent beg to state that the matter was submitted to Higher Headquarters for consideration and now on the

implementation of Vth Pay Commission, the pay of the applicants have been fixed in the new scale.

17. That with regard to the statements made in para 4.15, the respondent to reiterate the statement made in para 18 above of the application.

18. That with regard to the statements made in para 4.16, of the application are matter of record and do not require any specific comments from the answering respondents.

19. That with regard to the statements made in para 4.17, the Respondents to reiterate the statement made in para 9 above.

20. That with regard to the statements made in para 4.18, of the application ~~xxxxxxxxxx~~ the respondents beg to state that the application are matter of record and do not require any specific comments from the answering respondents.

21. That with regard to the statements made in para 4.19, ^{the} the respondents beg to state that application are matter of record and do not require any specific comments from the answering respondents.

22. That with regard to the statements made in para 4.20, the respondents beg to state that the aspect of principal of equal pay for equal work has been edamined in detail by the Supreme Court in the case of state Madhya Pradesh in respect of Promod Bhartiya and others reported in 1993(1) SCC P 539. The Apex Court has repeatedly pointed out that the Court and

-11-

Tribunal should not try to fix the pay scale of the different category of employees only on principle of equal pay for equal work.

23. That with regard to the statements made in para 4.21, the respondent beg to state that the respondent do not know about any such case please.

24. That with regard to para 4.22 and 4.23 , the respondent reiterate the statements made hereinabove.

25. That with regard to the statements made in para 5.1 to 5.5, the respondents state that under the facts of the case and issue involved, the grounds shown by the applicants can not sustain in law. Hence the application is liable to be dismissed with cost.

26. That ~~withxxx~~ the respondents has no comments to offer with regard to the statements made in para 6 and 7 of the application.

27. That with regard to the statements made in para 8.1 to 8.6 the respondents state that under the facts and circumstances of the case and provisions of law, the applicants are not entitled to any relief whatsoever as prayed for and the application is liable to be dismissed with cost as devoid of any merit.

In the premises aforesaid, it is,
therefore, prayed that Your Lordships would
be pleased to hear the parties, peruse ~~the~~

the records and after hearing the parties, and perusing the records, shall further be pleased to dismiss the application with cost.

VERIFICATION

I, Shri SOKUMAR DAS, Adm Offr, presently working as the Adm Offr, CUE (CAG) Buxyer being competent and duly authorised to sign this verification & do hereby solemnly affirm and state that the statements made in para 1,2,4,6,8,12,14 to 27 are true to my knowledge and belief, those made in para 3,5,7,9,10,11,13, being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this 28 th day of November, 2001 at Guwahati.

Deponent.

Sukumar Das

13 - 34 - 48 - Annexure - R
ANNEXURE - K
Tele: 301 9376

Army Headquarters
E-in-C Branch
DHQPO New Delhi-11

90237/6134/EIC(Legal-D)

14 Sep 2000

To

Sh Nonigopal Das
Carpenter (Skilled)
GE Umroi

COURT CASE OA NO 138/97 FILED BY NCTVT EMPLOYEES
AT CAT GUWAHATI

1. The undersigned is directed to refer to the Hon'ble CAT Guwahati Bench judgement dated 18.11.99 in OA No 138/97 wherein the court had directed the respondents to dispose of the representations if filed within one month from the above date by a speaking order following the principles laid down by the Apex Court regarding "equal work equal pay."
2. As per recommendations of Third Pay Commission for proper classification and fitment into appropriate pay scales in respect of industrial employees in Defence Establishments, an Expert Classification Committee under the Chairmanship of a retired High Court judge was appointed by the Govt. The ECC had evaluated all industrial jobs, with reference to the job title, educational qualifications, job skills, physical effort, mental effort, visual effort, responsibility for machine and equipment, responsibility for material, working conditions etc, and had awarded "point scores" for each and every job. On the basis of co-relation point range evolved on the basis of five pay scales of Third Pay Commission, industrial employees were given appropriate pay scales by the Govt. Subsequently an Anomalies Committee had also looked into certain anomalies arising out of ECC fitment formula and removed them on basis of unanimous recommendations of the committee which consisted of official side and Staff side members of the Departmental Council (JCM) of Ministry of Defence. The Hon'ble Supreme Court in CA No 3999-4023 of 1988 had held that the fitment of pay scales on the basis of ECC recommendations cannot be treated as arbitrary and the fitment after the classification by the ECC was what the justice demanded.

3. The Vth Central Pay Commission while reviewing the pay scales for industrial employees in Defence establishment has also taken into account that the existing fitment is on the basis of scientific evaluation of job contents done by the ECC mentioned above. On the basis of ECC/Anomalies Committee recommendations your trade has been upgraded from semi-skilled to skilled grade and also given higher grades. In your representation you have not provided any material suggesting that functions and responsibilities of your trade are similar to those where a higher pay scales is alleged to be existing. It is however stated that as per Recruitment Rules, in CPWD also Wiremen, Armature Winder, etc, are in the scale of Rs. 950-1500 (pre-revised) and are promoted to the scale of Rs. 1200-1800 (pre-revised) which was equivalent to HS-II in Defence Establishments. In Defence also, the skilled tradesman are appointed in the pre-revised scale of Rs. 950-1500 and then promoted to the Highly skilled grade of Rs. 1200-1800. Thus there is no discrimination.

4. As mentioned above, the Hon'ble Supreme Court had already upheld the fitment of Industrial employees on the basis of ECC evaluation. In the case of state of Madhya Pradesh and Ors Versus Pramodh Bhartiya and others the Supreme Court had examined in detail the issue of 'equal pay for equal work'. In this case also the Supreme Court had conceded that the equation of posts and equation of pay are matter primarily for the executive government and for the Expert Bodies like the pay commission. The Court further held that the principles of 'equal pay for equal work' may be properly applied in cases of unequal scales of pay based on classification or irrational classification. Your pay scales have been granted by the Govt. on the basis of the classification done by the Hon'ble Supreme Court Committee which has been specifically upheld by the Hon'ble Supreme Court and later by the Central pay commission. The Govt has also introduced an Assured Career Progression Scheme for all Gp B.C.D employees and you will also be eligible for the benefit provided the laid down conditions are fulfilled by you.

5. Your representation dated 03 Jan 2000 is accordingly disposed of.

M. S. J.
(MK Bansal)
SE(SG)
OIC Legal Cell
For L-in-C

-15-

Annexure R₂ B & Ann

NCTVT Trained Industrial
Civilian Employees Association

Ref No NCTVT (A)/MG/81/Gen

30 Sep 96

The Command Works Engineers
Spread Eagle Falls, Shillong - 11

INITIATION AND PRAYER FOR RECOGNITION OF THE NCTVT
TRAINED INDUSTRIAL CIVILIAN EMPLOYEES ASSOCIATION (MES)
MEGHALAYA SHILLONG

Sir,

1. We have the honour to inform you about newly constituted NCTVT Trained Industrial Civilian Employees Association through Trade Union Registrar Meghalaya Shillong under Trade Union Act 1926. The Association has come into exist wef 31-8-96 vide Registrar Trade Union Meghalaya Registration No 93 dt 31-8-96.
2. The Association is purely Industrial Association Employees possessing NCTVT certificate under MES Establishment viz.
(i) GE Shillong (ii) GE A/F (iii) GE Umroi
3. Copy of the constitution and list of memberes and list of office bearers of association is enclosed herewith for your kind information and action please.
4. The association NCTVT is National Council of Trade Vocational Training and present address of the association is GE Shillong - 2.
5. Thanking you.

Yours faithfully,

Station : Shillong

Dated : 30 Sep 96

Sd/-x x x x x
(NA Borbhuiyan)
General Secretary
NCTVT Trained Industrial
Association (MES) Meghalaya

Copy to :

1. The Engineer-in Chiefs Branch, AHQ
Kashmir House, PO-DHQ, New Delhi-110011
2. The Adjutant General, Organisation Directorate Org 4
(Civ) JCM, Adjutant General's Branch, AHQ, PO-DHQ
New Delhi - 110011
3. The Chief Engineer, Headquarter Eastern Command,
Fort William, Calcutta-21
4. The CE Shillong Zone, Spread Eagle Falls Camp, Shillong
5. The CE A/F, Elephant Falls Camp Shillong
6. Army Headquarter (SD SS), New Delhi - 11
7. Labour Commissioner (Central) Guwahati

1986-87

A. H. S. P. S.

[Signature]

11 SEP 1996

Adm Office
For CWT (M) Guwahati

No 3310/21(AM)/Civ.1/31
Government of India
Ministry of Defence

Annexure 'B'

New Delhi, the 15th October 1934

The Chief of Army Staff
New Delhi.

Subject: Payment of industrial workers of M.E.S. in pay scales recommended by the Third pay Commission.

Based on the decisions taken by the Government on the recommendations of the Anomalies Committee, I am directed to convey the decision of the President to the following :-

(1) Upgradation of the following jobs from semi-skilled grade (Rs. 210-290) to the skilled grade (Rs. 260-400) :-

<u>Job Title</u>	<u>Existing scale</u>	<u>Revised scale</u>
Cook Binder	Rs 210-290	Rs 260-400
Bindler	-do-	-do-
Shoe Maker	-do-	-do-
Carpenter	-do-	-do-
Pipe Fitter	-do-	-do-
Plumber	-do-	-do-
Mason	-do-	-do-
Shoemaker	-do-	-do-
Painter/Polisher	-do-	-do-
Sign writer	-do-	-do-
Printer	-do-	-do-
Upholsterer	-do-	-do-

It is superseded the earlier orders in regard to the payment of workers in the relevant scales as per the decision of this letter.

Workers to the trades listed in (1) shall be from

.....

categories in the pay scale of Rs. 210-290 already existing under the present recruitment rules, subject to the worker having rendered a minimum of three years' service in the grade and after passing the prescribed trade test; and

Direct recruits with ITI Certificate/Ex-trade Apprentice etc. inducted in the semi-skilled grade, who have rendered 2 years service in that grade.

(1) Provision/introduction of ~~xxxxxxx~~ Highly skilled Grade II (Rs. 320-420) and Highly skilled Grade I (Rs. 330-530) for common category jobs listed in Annexure I classified as 'Skilled' depending on the functional requirement of high skilled jobs, in the following manner as a bench-mark percentage :-

- (a) Highly skilled Grade I (Rs. 330-530) 15%
- (b) Highly skilled Grade II (Rs. 320-420) 30%
- (c) Highly skilled grade (Rs. 260-400) 65%

to be given to the trades enumerated in Annexure I with a number of jobs and if there non-viable trades these should be taken together for the purpose of giving the above benefits. Trades where the above bench-mark percentages are introduced, the skilled grade for the skilled grade, if provided, will stand automatically abolished as a one time measure.

These orders will take effect from the date of issue.

The expenditure involved shall be debitable to the respective Defence Service Estimates.

These orders with the concurrence of the Ministry of Defence (Finance Division) vide their interdepartmental No 1755/Dir/(AI/100) (5th October, 1934).

Yours faithfully,

Sd/ x x x x x

(RANI KRISHNA)

DEPUTY SECRETARY TO THE GOVT OF INDIA

File No. 275040

ANNEXURE-I

M22

LIST OF COMMON CATEGORY 'SKILLED JOBS':

- | | | |
|----------------|--------------------------|---------------------|
| 1. Smith | 2. Carpenter | 3. Electrician |
| 4. Fitter Auto | 5. Fitter Auto Elec. | 6. Fitter Gen. Mach |
| 7. Fitter Pipe | 8. Fitter Refrigeration | 9. Line Mistry |
| | 10. Fitter Refrigeration | |
| | 11. Haulier | 12. Millwright |
| | 13. Painter | 14. Turner |

-18-

Annexure R₄

63

Old appointment letter

COPY

ANNEXURE 51-

Tale Hily : 436

Commander Mirman Engineer
Karvalaya S. illong
Office of the CWF S. illong
Sengad Barla Falls
S. illong - 11

1236/P/3969/71A

11 Jul 83

Sri Manoharful Pheral
Vec./Mechanic
C/O GE S. illong

APPOINTMENT : VEH/MECHANIC

1. Reference your appointment letter issued vide this Office letter No. 1235/B/14/71A dated 07 Apr 83.
2. The following amendments may please be made on the above quoted letter :-
Para 1 rev scale
✓ For "Rs. 330-3-370-10-400-77-10-430"
✓ Add "Rs. 260-6-290-73-6-326-3-366-3B-3-399-10-400".
3. All other entries remain unchanged.

Sd/- x x x x x
(K B Cattri)
Commander Works Engineers

Copy to:-

GE S. illong - This disposes of your letter No. 1017/16/11/71A dated 25 Mar 83.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

116810

CIVIL APPEAL NOS. 11486, 11487 OF 1996
(Arising out of S.L.P. (Civil) Nos. 17021-17022 of 1995)

Union of India & Ors..

...Appellants

Versus

S. Yoganand & Ors.

... Respondents

O R D E R

Certified to be a true copy

Santosh Mallik
Assistant Registrar (Judl.)19-9-1996
Supreme Court of India

Leave granted.

These appeals have been filed against an order passed by the Central Administrative Tribunal directing that the same scale of pay be given to the petitioners-respondents which was being paid to the skilled grade employees. This Court has repeatedly pointed out that the courts or the Tribunals normally should not try to fix the

scales of different categories of employees only on principle of equal pay for equal work. This aspect of the matter has been examined in detail in the case of State of Madhya Pradesh v. Ramoo Bhanu Singh, AIR 1981 SC 539.

Accordingly, we allow these appeals, quashed the order of the Tribunal and direct the appellants to examine the grievances of the respondents in the light of the

20

(2)

uforesaid judgment of this Court. It is necessary to fix
their pay scales in accordance with law. No costs.

Sd/-
.....J
(N.P. SINGH)

Sd/-
.....
(SUDHAKAR)

66
83-
Applicants to the semi-skilled grade,
the notified recruitment rules for the post
provided for semi-skilled grade.

Therefore, as per the statutory rules, they
are entitled only for the semi-skilled grade
at the time of their appointment. They were
given the skilled grade as per the provisions
contained in MOD letter dated 15.10.84 which
provided that such tradesmen may be given
the skilled grade after completion of two
years. There has, therefore, been no
violation of any statutory rules as
contended by the petitioners.

The Supreme Court while disposing of the
petition No.40/91 had specifically
directed that only those employees who were
in position on 16.10.81 in the grade of
Rs. 210-290 will be placed in the upgraded
category of Rs.260-400 in terms of Ministry
of Defence letter dated 15.10.84 and those
who were not in position as on 16.10.81 in
the semi-skilled grade of Rs.210-290 will be
entitled to placement in the skilled
category of Rs.260-400 (Rs.950-1500 revised)
only after they satisfy the requirements
of clauses (a), (b) & (c) of clause (iv)
in Chapter 10 of the Anomalies Committee's
Report. The recommendations of the
Anomalies Committee in this regard have been
incorporated in the Government letter
dated 15.10.84 to the effect that fresh
induction of direct recruits with ITI
certificate etc. in the upgraded category
will be in the semi-skilled grade and after
allowing them adequate time for the job
training for a period of 2 years only will
they be placed in the skilled grade.
Therefore, as per the directions of the
Supreme Court also they are entitled for
the skilled grade only after completion of
2 years as they were not in position in
the semi-skilled grade as on 16.10.81.

22

11.2) The Hon'ble Supreme Court vide their order of 30 Jan 97 had the order of Hon'ble Tribunal Bangalore Bench in CA 88/92 and 89/92 involving similar issues. In compliance with the order of Supreme Court suitable directions were issue to all concerned vide E-IN-C Branch letter no.90238/4487/EIC (Legal) dt. 30 Jan 97 and 90237/4487/EIC(LEGAL-D) DT. 30 Jan 97.

Corrison Engineer, Karayalaya
Corrison Engineer, Shillong
Shillong Division
Shillong-792001

25 Apr 88

H/Talley

MENTIONED SDA

With Nam Bahadur Limbu who has been appointed as SDA
at recruitment vide Shillong letter No 2282/23/88
is hereby posted to your sub divn.
You take him on your strength wof 19 Apr 88 (FN) and his
allowance may please claimed accordingly.

(AK July)
RE
Corrison Engineer

Nam Bahadur Limbu (AK 11/11/87)
Shillong

The following documents in respect of the above
named individual is forwarded herewith for your
further action:-

- Medical Report
- Medical Report of Fitness
- Medical Certificate
- Birth Certificate

3 photostatic copies X

Roll has been initiated by cwn Shillong and the
same will be forwarded on receipt.

He is Regn No 51/87 and he has been sponsored by the
Shillong vide No A-22/88-89/88 dt 22 Feb 88
published in the PTO

Scale of Rs 200-15-1010-13-30-1150 and will be
promoted in the scale of Rs 250-20-1150-13-25-1500
in the Branch New Delhi letter No 90273/39/81Q
after satisfactory completion of two years
service (Semi-skilled).