

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 322/2002

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6

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI
....

ORDER SHEET

Original Application No : 322/02
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant (s) : Ramdeo Saha & sons (52)

-Vs-
Respondent (s) H-O-I & sons

Advocate for the Applicant (s) B.K. Sharma, S. Sarma, U.K. Kar

Advocate for the Respondent(s) Cage Shri U. Das

Notes of the Registry	Date	Order of the Tribunal
<p>76575306 Date 24.9.2002</p> <p>3 steps along with envelops received for Regd A/D.</p> <p>Notice prepared and sent to SPS for my the reference No 1403 to Regd A/D.</p> <p>DINo 2860/582 and 16/10/02</p>	<p>1.10.02</p> <p>mb</p> <p>7.11.02</p> <p>1m</p>	<p>Heard Mr. S.Sarma, learned counsel for the applicants.</p> <p>Issue notice to show cause as to why the application shall not be admitted.</p> <p>List on 7.11.2002 for admission.</p> <p>Member <u>11/10/02</u></p> <p>Vice-Chairman <u>16/10/02</u></p> <p>Heard Mr. S.Sarma learned counsel for the applicant and also Mr.A.Deb Roy, Sr.C.G.S.C. for the respondents. Mr.A.Deb Roy has stated that he has obtained the necessary instructions and intends to file written statement within 4 weeks. List on 5.12.02 for Admission.</p> <p>Member <u>16/10/02</u></p> <p>Vice-Chairman <u>16/10/02</u></p>

① Service report are still awaited.

30
6.11.02.

No. written statement has been filed.

30
4.12.02.

Sent vide No 2860 to 2862 dtd. 16/10/02.

mb

21.1.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. S.K. Hajra, Administrative Member.

Respondents are yet to file written statement. Mr. A. Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the respondents prayed for time for filing written statement. Prayer is allowed.

List again on 18.2.2003 for written statement.

20/1/03
No cr/s has been filed
20/1/03

No. written statement has been filed.

30
17.2.03

Member

Vice-Chairman.

mb

19.2.03

18.2.2003

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

The Hon'ble Mr. S. Biswas Member (A).

Pleadings are complete. The case may now be listed for hearing on 26.3.2003. The applicant may file rejoinder, if any, within two weeks from today.

No. rejoinder has been filed.

30
25.3.03

mb

Member

Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

26.3.2003


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

The Hon'ble Mr. S. Biswas
Administrative Member.

Heard counsel for the parties

Judgment delivered in open Court,
kept in separate sheets.

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


Member


Vice-Chairman

bb

17.4.2003

Copy of the Judgment
has been sent to the
Office for issuing
the same to the applicant
as well as to the D.C.G.S.C.
in the Registry

SC

Memo No. HC. XXI. 16289-90 / R.M. dtd.
3.5.07 received from The Assn. Registrar (J)
Gauhati High Court, Gauhati - 4

The PUC may kindly be seen.

The Union of India v/s has
filed the NP(C) No. 3799 of 2004
before the Hon'ble Gauhati High Court
against the judgment and order dated
26.3.2003 passed in OA 322 of 2002.
The Hon'ble Gauhati High Court has
reverted the judgment of this Hon'ble
Tribunal on 26.03.2007 and allowed
the above mentioned NP(C).

Submitted for favour of kind
perusal.

HS
25/5/07

Signature
16.5.07
SO(J).

16/5/07
Hon'ble.

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

Civil Rule

W.P. (c)

No. 3229 of 2004

The Union of India Co

Appellant

Petitioner

Versus

Shree Ramdeo Sah & Co

Respondent

Opposite Party

Appellant

for-

Petitioner

Mr. Bipul Savarna
Mr. J. Chatter, C.G.C

Respondent

1007

Opposite Party

Mr. S. Chattermah

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
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Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

W.P.(C) No. 3799 of 2004

BEFORE
HON'BLE MR. JUSTICE D. BISWAS, CHIEF JUSTICE (ACTG.)
THE HON'BLE MR. JUSTICE B.P. KATAKEY

26/03/2007

This writ petition by the Union of India is directed against the order dated 26th March, 2003 passed by the learned Central Administrative Tribunal, Guwahati Bench, Guwahati in Original Application No.322/2002 filed by the respondent herein whereby and whereunder the learned Tribunal has directed the petitioners to extend the benefit of the pay attached to the skill grade employees.

2. The respondents herein initially filed O.A. No.238/1997 praying for a direction to the petitioners to extend the higher scale of pay in the skill grade by contending that the nature of the works done by them and the duties and responsibilities attached to the posts Tent Mendor, Rope Workers, Chuckler and Cycle Fitter, being a skill grade, they cannot be classified in semi-skilled grade and is to be classified as skill grade. The said O.A. was disposed of by the learned Tribunal by the order dated 5.12.1997 directing the applicants therein to submit representation before the authority who is to dispose of the same within a specified time. Failing to get any appropriate relief, the respondents herein again moved the learned Tribunal in O.A. No.196/1999 for directing the present petitioners to provide them with the pay of skill grade with effect from October, 1980 and in terms of the judgment of the

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
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Apex Court in Bhagwan Sahai Carpenter and ors. Vs. Union of India and another, reported in (1989) 2 SCC 299 as well as the Tribunal's earlier order dated 19.10.1995 passed in O.A. No.158/1994 giving such benefits to the tailors. The said O.A. was disposed of by directing the concerned respondents to move the case for Presidential sanction and concurrence of the concerned Ministry of the Government for upgrading the grade from semi-skill to skill grade. Pursuant to the said direction, the petitioners in appropriate Department vide order dated 14.5.2002 considered the case of the present respondents and declined to upgrade the grade from semi-skill to skill and refused to grant the benefit of the pay scale attached to the skill grade. The respondents, therefore, filed the present O.A. in question before the learned Tribunal which has been allowed by the order impugned in this present writ petition.

3. We have heard Ms. Das, learned Central Government Counsel as well as Mr. S. Sarma, learned counsel appearing on behalf of the Respondents.

4. The learned Tribunal by the impugned order dated 26th March, 2003 directed the petitioners herein to extend the benefit of the pay scale attached to the skill grade solely on the basis of the order passed by the learned Tribunal in O.A. No.158/1994 which relates to the persons employed as Tailor and which was after due consideration by the authority was graded as skilled and the benefit of the skill grade were extended

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

to such employees. The authorities after due consideration of the entire materials on record including the evaluation of the matter by the expert committees, namely - Expert Classification Committee as well as the Anomalies Committee refused to upgrade the trades of the respondents herein as skill grade, as, such expert committees having regard to the entire facts and circumstances refused to do the same. It also appears from the order dated 14.5.2002 that even the Fourth and Fifth Pay Committee which are also the expert bodies did not recommend the skill grade to the trade. Such bodies being the expert bodies, the recommendations made by them, in the absence of any material to the contrary, has to be accepted, more so when it is not the function of the Court to grade any trade as skilled or semi-skilled.

5. The submission made by the learned counsel for the respondents that even the Apex Court in Bhagwan Sahai Carpenter (supra) has granted the higher scale of pay attached to the skill grade to the persons who were in semi-skill grade and, therefore, the learned Tribunal has not committed any illegality in passing the impugned order, cannot be accepted in view of the fact that the Apex Court in Bhagwan Sahai Carpenter (supra) has not classified or upgraded any semi-skill grade to skill grade and granted the benefit of the skill grade to the semi-skill grade. What has been granted is the benefit with retrospective effect, on the basis of the decision of the Government to upgrade such semi-skill

grade to the skill grade, on the basis of the

AGP. High Court-8701-80,000-21-8-2001

Aty

BY SPECIAL MESSENGER

URGENT

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	2	3	4

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
498
11 MAY 2007
Guwahati Bench.
गुवाहाटी न्यायालय

recommendation of the expert bodies. That being the position, we are unable to accept the reasoning given by the learned Tribunal in granting the benefit of the pay attached to the skill grade to the respondents, who have not been granted the same by such expert bodies, as discussed above. Hence, the order passed by the learned Tribunal requires interference, which we accordingly do. The order passed by the learned Tribunal is, therefore, set aside.

6. This writ petition accordingly stands allowed.

7. No costs.

Sd/- B.P. Katakey.
JUDGE.

Sd/- D. Biswas.
CHIEF JUSTICE (ACTING)

Memo No. HC.XXI. 16283-90 R.M. Dtd. 3/5/07

Copy forwarded for information and necessary action to:-

1. The Union of India through the Secretary of Defence, Govt. of India, South Block, New Delhi through the Director General of Ordnance Service, Master General of Ordnance branch, Army Headquarters, New Delhi represented by Commandant, Advanced Based Ordnance Deptt. 222, C/o 99 APO.
2. The Deputy Registrar (I/C) , Central Administrative Tribunal, Guwahati Bench Rajgarh Road, Bhangagarh Guwahati- 781005. He is requested to acknowledge the receipt of the following records. This has a reference to his letter No. 16-3/02/-JA/114 Date 08.02.2006.

Enclo:-

1. O.A. No. 322/2002 Part 'A' with Judgement and orders Sheets.

Mn Sammu
N.I.
14.5.07.

By order

2-5

Asstt. Registrar (Judl.)
Gauhati High Court, Guwahati.

Chy
2/5/07

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / ~~XXX~~ No. . . 322 . of 2002.

DATE OF DECISION 26.3.2003.....
PLACE OF DATE

... . Ramdeo Shah & 52 Others. APPLICANT(S).

... . Mr.B.K.Sharma, S.Sarma, U.K.Nair & Ms.U.Das. ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

... . Union of India & Others. RESPONDENT(S).

... . Mr.A.deb Roy, Sr.C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE MR. S. BISWAS, 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 ?

} Yes
h

Judgment delivered by Ho'ble Vice-Chairman.

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 322 of 2002.

Date of order : This the 26th Day of March, 2003.

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

THE HON'BLE MR. S. BISWAS, ADMINISTRATIVE MEMBER.

1. Ramdeo Shah, Tent Mendor
2. S.R.Joshi, "
3. P.Dhobi, "
4. P.Ram Harijan "
5. Jasbahadur, "
6. P.Ram, "
7. Dhan Bahadur, "
8. Jogendra Sah, "
9. U.C.Bungrung, "
10. D.Rajkumar, "
11. Jamadar Mahto, "
12. Dhoz Bahadur Chettri, "
13. R.C.Thakur, "
14. N.D.Unish, "
15. Ram Shabit Rai, "
16. Ramji Yadab, "
17. Guljar Prasad, "
18. N.S.Ram, "
19. N.D.Ismail, "
20. S.C.Dey, "
21. S.Safi, "
22. Dil Bahadur, "
23. P.C.Sarkar, "
24. Mangal Rai, "
25. K.P.Dusad, "
26. R.Thakur, "
27. Indiradeo Singh, "
28. Kalamuddin, "
29. S.Basumatary, "
30. Gopal Ram, "
31. S.Ali, "
32. Okil Rai, "
33. Id Mohammad, "
34. Ram Prit Rai, "
35. Sheoji Rai, "
36. J.L.Upadhaya, Rope Worker
37. K.L.Upadhaya, "
38. J.N.Prasad, "
39. T.R.Sarma, "
40. S.S.Prasad, "
41. Ram Narayan, "

- 42.B.K.Joshi, "
- 43.Tek Singh, "
- 44.Shivalal Ram, Chuckler
- 45.Jailal Ram, "
- 46.S.S.Singh, "
- 47.Narbahadur, "
- 48.A.N.Jha, "
- 49.K.D.Pandit, "
- 50.Baijnath Ram, "
- 51.K.Ansari, "
- 52.K.C.Mazumdar, Cycle Fitter
- 53.T.N.Talukdar, "

All are working under the Commandant,
Advanced Based Ordinance Branch
222 C/O 99 APO.

. . . Applicants.

By Mr.B.K.Sharma, Sr.Advocate, Mr.S.Sarma, Mr.U.K.Nair &
Ms.U.Das.

- Versus -

1. Union of India
Through the Secretary of Defence
Government of India
South Block, New Delhi.
2. The Director General of Ordinance Service
Master General of Ordinance Branch
Army Headquarters, New Delhi - 110 011.
3. The Commandant
Advanced Based Ordinance Branch
222 C/O APO.

. . . Respondents.

By Mr.A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C):

This is the third round of litigation. The applicants moved this Tribunal earlier by way of an Original Application seeking for redressal of their grievances for higher scale of pay in the skilled grade which was numbered and registered as O.A.238/97. The Tribunal by its judgment and order dated 5.12.1997 directed the applicants to submit representation within the prescribed time with a direction to the respondents to dispose of the representation within the time specified. Failing to get appropriate remedy the

Contd./3

applicants moved again before this Tribunal by way of O.A.196/1999 for redressing their grievances and to provide them the benefit of scale given to the skilled grade i.e. Rs.260-400/- from October, 1981 in pursuance of Government of India's notification dated 15.10.1984. The Tribunal considered the materials on record and also the judgment rendered by Hon'ble Supremen Court in Bhagwan Sahai Carpenter and Ors. -vs- Union of India & another reported in 1989 2 SCC 299 wherein the Hon'ble Supreme Court extended the benefit of pay scale of skilled grade to the applicants working as Carpenter, Masson, Painter, Upholster, Plumber, Pite Fitter etc. The Tribunal also took note of the judgement rendered by this Tribunal in O.A.158/1994 disposed of on 19.10.1995 wherein the Tribunal provided the benefit to the applicants who were working as Tailor of skilled grade. On overall consideration of the materials on record, the Tribunal held that there was no justifiable reason for denying the benefit of skilled grade and scale to the applicants and according allowed the application with the following observations:-

"i. The respondents are directed to take effective steps for getting the Presidential Sanction and concurrence of the concerned Ministries of the Government of India to declare the trades Tent Mendor, Rope Workers and provide the benefit thereafter subject to the sanction, the skilled grade with effect from 9.11.1984 as prayed for on the conditions contained in the Government letter dated 15.11.1984 as modified by the decision of the Government of India contained in the letter dated 19.3.1993.

iii: The respondents shall carry out the aforesaid exercise with utmost promptitude and at any rate within three months from the date of receipt of a certified copy of this order and thereafter subject to the decision taken, to pay the arrears of pay and allowances to the respective applicants as may be found payable as a result of granting antedated skilled grade scale in accordance with the aforesaid guidelines within a period of two months thereafter. The

respondents are also directed to extend the said benefit to the applicants who have retired during the pendency of this application.

The application is allowed to the extent indicated above."

The Union of India preferred a Writ Petition before the Hon'ble High Court which was numbered and registered as WP(C)698/2002. The Hon'ble High Court dismissed the said WP(C) with the following observations:-

" The respondents before the Tribunal were only required to move the case for Presidential sanction and concurrence of the concerned Ministries of the Government to declare certain trades mentioned in the directions as skilled workers. This does not mean that Presidential sanction must be granted or the concurrence by the concerned Ministries of the Government of India must be given. For valid and justifiable reasons they may decline the same. No case for interference with the directions has been made out. The writ petition is dismissed."

The respondents thereafter passed the impugned order dated 14.5.2002 refusing the applicants to grant the skilled grade. Hence this application assailing the legitimacy of the order passed by the respondents.

2. The respondents contested the claim of the applicants and submitted written statement. It seems that the respondents are labouring under the same view as was indicated in the earlier O.A.s. According to the respondents, the Anomalies Committee upgraded certain trades, but since it did not grant the skilled grade to the applicants, the same could not be granted to them. It was also asserted that since the applicant's trades was not covered in terms of the Govt. letter dated 15.10.1984, the letter dated 19.3.1993 did not apply to the trades of these applicants. As regards the judgment and order passed by this Tribunal in O.A.158/94, the respondents pointed out that the order was in respect of tailors and did not concern the applicant's trades. It seems that the respondents are trying to re-write the judgment and order of the

Tribunal. As a matter of fact, the respondents authority moved the Hon'ble High Court assailing the judgment of this Tribunal, which was dismissed. As stated in the earlier judgments of this Tribunal which got merged on the judgment of the Hon'ble High Court, it was clearly observed that there was no justifiable reason for not providing the skilled grade to the applicants. In this circumstances there was no scope for the respondents authority to go contrary to the directions issued by this Tribunal. The judgment of the High Court clarified the Presidential Sanction vis a vis the ministerial concurrence. No valid or good reasons were ascribed even by the authority in ^{not} adhering to the scheme mentioned. The primary aim of ^{a legal} policy is to do justice. The founding fathers pinned down their faith in Article 14 and 16 of the constitution for an egalitarian society freed from discrimination. The basic feature of the great equality clauses enshrined in the Indian Constitution is that the law should afford equal treatment to all. It is also a principle of legal policy that the law should be just and that the decision of the Courts and Tribunals should further the ends of justice. It is also a principle of legal policy that a person should not be penalised except under clear law. The Bench while passing the order duly kept these aspects and rendered the decision. The judgment of the Bench attained finality and merged with the decision of the High Court. There was no further scope on the part of the respondents to reverse the decision of the Tribunal that finally merged in the decision of the High Court. The judgment of the High Court, wherein the judgment and order of the Tribunal was merged, not assailed in a higher Court, hence it attained finality.

We accordingly set aside the impugned communication dated 14.5.2002 and direct the authority to provide the same

X

benefit to these applicants as was given to the Carpenters, Tailors etc. The respondents are directed to complete the exercise within three months from the date of receipt of the order.

The application is allowed to the extent indicated above. There shall, however, be no order as to costs.

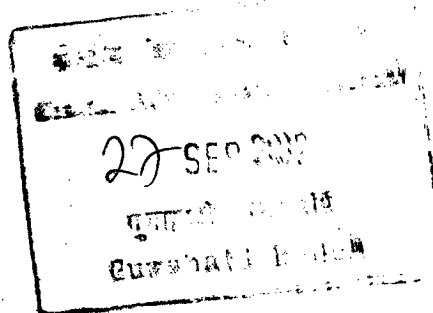
S. Biswas

(S.BISWAS)
ADMINISTRATIVE MEMBER

D.N. Chowdhury

(D.N.CHOWDHURY)
VICE CHAIRMAN

bb



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

O.A. No. 322 of 2002

BETWEEN

Shri Ramdeo Shah & Ors. Applicants

AND

Union of India & ors..... Respondents.

I N D E X

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Filed by : *Alsha Das*
Advocate

Regn.No.:

File ...

Date :

Filed by '19
the applicants through
Asha Das.
Advocate
23/9/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act.1985)

O.A.No. of 2002

BETWEEN

1. Ramdeo Shah, Tent Mender
2. S.R.Joshi, "
3. P.Dhobi, "
4. P.Ram Harijan, "
5. Jashbahadur, "
6. P.Ram, "
7. Dhan Bahadur, "
8. Jogendra Sah, "
9. U.C.Bungrung, "
10. D. Rajkumar, "
11. Jamadar Mahto, "
12. Dhoz Bahadur Chetri, "
13. R.C. Thakur, "
14. N.D. Unish, "
15. Ram Shabit Rai, "
16. Ramji Yadab, "
17. Guljar Prasad, "
18. N.S. Ram, "
19. N.D. Ismail, "
20. S.C. Dey, "
21. S. Safi, "
22. Dil Bahadur, "
23. P.C. Sarkar, "
24. Mangal Rai, "
25. K.P. Dusat, "
26. R. Thakur, "
27. Indiradeo Singh, "
28. Kalamuddin, "
29. S. Basumatary, "
30. Gopal Ram, "
31. S. Ali, "
32. Okil Rai, "
33. Id Mohammad, "
34. Ram Prit Rai, "
35. Sheoji Rai, "
36. J.L. Upadhaya, Rope Worker
37. K.L. Upadhaya, "
38. J.N. Prasad, "
39. T.R. Sarma, "
40. S.S. Prasad, "
41. Ram Narayan, "
42. B.K. Joshi, "
43. Tek Singh, "
44. Shivilal Ram, Chuckler
45. Jailal Ram, "
46. S.S. Singh, "
47. Narbahadur, "
48. A.N. Jha, "
49. K.D. Pandit, "

Rope Worker
Chuckler
Tent mender

- 20
50. Baijnath Ram, Chuckler
 51. K. Ansari, ,,
 52. K.C. Mazumdar, Cycle Fitter
 53. T.N. Talukdar, ,,

All are working under the Commandant, Advanced Based Ordinance Branch, 222 C/O 99 APO.

..... Applicant.

- AND -

1. Union of India
Through the secretary of Defence,
Government of India,
South Block, New Delhi.
2. The Director General of Ordinance Service,
Master General of Ordinance Branch,
Army Headquarters, New Delhi- 110011.
3. The Commandant,
Advanced Based Ordinance Branch, 222 C/O APO.

..... Respondents.

PARTICULARS OF THE APPLICATION

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

This application is directed against the action of the respondents in issuing the order dated 14.05.2002 rejecting the claim of the applicants treating their trade to be skilled one like Tent Mender, Rope Worker, Chuckler and Cycle Fitter, and extending them the pay of skilled grade of Rs.260/- - 400/- from October 16, 1981, in pursuance to Govt. of India's letter No.3817/DS(O and M)/Civ-I/84 dated 15.10.1984. The applicants had agitated their grievance before the Assistant Labor Commissioner (Central), Rajgarh road, Chandmari, Guwahati- 781003. However, the vide order dated 12.07.1996 the Assistant Labour Commissioner (Central) closed the matter before the Hon'ble Supreme Court and in view of the pendency of that case, the matter was closed. Subsequently, the aforesaid SLP was also dismissed by the Hon'ble

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Apex Court, and highlighting the fact, the applicants preferred a representation dated 19.11.1996 before the Commandant 222, Advanced Based Ordinance Branch bringing to his notice, the aforesaid fact. Thereafter, the applicants preferred OA No.287/96, but due to some technical defects the aforesaid OA had to be withdrawn. The applicants thereafter, filled OA No.196/99 before this Hon'ble Tribunal. The Hon'ble Tribunal was pleased to allow the said OA vide its judgment and order dated 03.05.2002. The respondents against the judgment and order dated 03.05.2002 preferred writ petition before the Hon'ble High Court bearing No.WPC (C) No.698/02. The Hon'ble High Court after hearing the parties to the proceeding was pleased to dismiss the said writ petition. Now the respondents have issued the impugned order dated 14.05.2002 rejecting their claim. Hence this application.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicant further declares 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 citizens of India and as such they are entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and laws framed thereunder.

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4.2. That all the applicants are working in Military Engineering Services under the Military of Defence with the Advanced Based Ordinance Branch, 222 c/o 99 APO. All the applicants are civilian in the Defence Establishment. The applicants have a common grievance in regard to a common cause of action and hence they have come jointly before this Hon'ble Tribunal. Therefore the applicants pray before this Hon'ble Tribunal to permit them to join together in a single application invoking Rule 4(5)(a) of CAT (Procedure) Rules, 1987.

4.3. That the applicants are holders of 4 different categories, namely Tent Mender, Rope Worker, Chuckler and Cycle Fitter and they used to get the same pay scale in the skilled grade continuously for years together since the recommendation of 1st pay commission in 1949. All the employees of the trade in skilled grade under MES also received common pay scale on recommendation of 2nd and 3rd pay commission till 1981. It is therefore, till 1981 pay scale of skilled category including the categories of the applicants were getting same pay scale. However in the year 1981 out of those 15 trades some of the trades had been upgraded. This up gradation in the scale of pay was done on the basis of a report by an expert committee appointed in 1981 which gave scores of points to the various grades on it's basis recommended higher pay scale for six trades in the skilled grade i.e. Rs.260-400/- whereas the other trades of the grades were termed as semi skilled and the pay scale was recommended as Rs. 210.00-290.00. This anomaly in the pay scale led to dissatisfaction among the employees.

4.4. That being aggrieved employee belonging to six trades Moulder, Mason, Upholsterer, Sawyer, pipe-fitter and Plumber :

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moved the writ Petitions Under Article 32 of the constitution of India before the supreme court challenging the denial of higher pay scale to their trades and refusal to given Skilled Grade. Govt. of India filed it's Affidavit in those Writ Petitions and made a categorical statement that in accordance with the recommendation of 3rd pay Commission which was accepted by the Govt., an expert classification Committee was set up in 1974 to study and evaluate the job content of all industrial and a few specially selected non-industrial jobs in Defence establishment and to co-relate the evaluation to suitable pay scales within the frame work of the recommendation of the third pay commission. In the year 1979 committee submitted its recommendation and in the said recommendation 9 pay scales had been recommended applying the technique of job evaluation following the point rating method. It was also stated in the affidavit that the orders were issued by the Govt. to implement the decision of the committee on 16.10.1981.

4.5. That in the cases of the writ petitioners who had filled the Writ Petitions before the Supreme Court the pay scales recommended by the committee were made available to their trades from 15.10.1984 pursuant to a letter dated 15.10.1984 issued by the Chief of the Army Staff, New Delhi. The writ petitioners had therefore demanded that the benefit of the higher pay scale recommended by the committee be made available to them w.e.f. 16.10.1981 and their grade be treated as skilled one with the pay scale of Rs. 260.00 - 400.00.

4.6. That the Hon'ble Supreme Court gave its decision in the aforesaid Writ Petitions No. 12259 - 66 of 1984 on 15.03.1987 (Reported in 1989 (2) SCC and directed that the writ petitioners belonging to the trades such as Carpenter, Mason, Painter, Upholsterer, Plumber, Pipe Fitter, Sawyer and Sign writer are

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entitled to be treated as skilled grade and therefore be given the pay scale of Rs. 260.00 - 400.00 w.e.f. 16.10.1981.

The applicants crave leave of this Hon'ble Tribunal to refer and rely upon the aforesaid reported judgment of the Hon'ble Apex Court at the time of hearing of this case.

4.7. That placing reliance upon the aforesaid decision of the Supreme Court Sri Nripendra Mohon Poul and 16 other applicants working as Tailor under the respondents filled OA. 158/94 before the Hon'ble CAT, GHY. In their application the prayer made was to treat the trade of Tailor as skilled grade and to accord them the pay scale of Rs. 260.00 - 400.00 w.e.f. 16.10.1981 which was subsequently revised to Rs. 950.00-1500.00 w.e.f. 01.01.1986. The Hon'ble CAT, GHY allowed the said OA by its judgment and order dated 19.10.1995. Against the aforesaid judgment the respondents preferred SLP before the Supreme Court against the judgment and order dated 19.10.1995 and the said SLP was dismissed by the Hon'ble Supreme Court. Subsequently, the Govt. of India, Ministry of Defence vide its letter bearing No. NGO /06-20/785 - LC/D(Civ.1) dated 15.10.1996 conveyed the sanction of the President granting Skilled grade of Rs. 260.00 - 400.00 from 16.10.1981 which was revised to Rs. 950.00 - 1500.00 w.e.f. 01.01.1986 to the aforesaid 7 applicants working as Tailors under the respondents i.e. Commandant, Advanced Based Ordinance Branch ; 222.C/O APD.

A copy of the Govt. of India's letter dated 15.10.1996 is annexed herewith and marked as ANNEXURE-A.

4.8. That the present applicants are belongs to 4 different trades i.e. Tent Mender, Rope Worker, Chuckler and Cycle Fitter

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4.8. That the present applicants are belongs to 4 different trades i.e. Tent Mender, Rope Worker, Chuckler and Cycle Fitter and are working under Commandant, Advanced Based Ordinance Branch, 222, C/O APD. Similarly situated two sets of employees namely (a) Employees who preferred writ petitions before the Hon'ble Supreme Court and (b) the applicants in OA 158/94, are presently getting higher pay than the present applicants w.e.f. 16.10.1981.

4.9. That the present applicants belonging to the trade of Tent Mender, Rope Worker, Chuckler and Cycle Fitter were once similarly situated like that of the above mentioned writ petitioners before the Supreme Court belonging to the trade of Carpenter, Mason, Painter, Plumber, Pipe Fitter etc. Similarly they are equally placed earlier like that of the Tailor working under the Commandant, Advanced Based Ordinance Branch. It is stated that the trades of the applicants in terms of the nature of work requires as much of skill and proficiency as that of the trades which have been granted the status of the skilled trade. Therefore, the applicants are also entitled to be given similar status i.e. Skilled trade and to fix their pay at Rs. 260.00 - 400.00 w.e.f. 16.10.1981 which was subsequently revised at Rs. 950.00 - 1500.00 w.e.f. 01.01.1986.

4.10. That the nature of jobs performed by the applicants requires high degree of scales and therefore the classification made between the trades is not reasonable and same being without any intelligible differential and rational and objective criteria.

4.11. That as stated earlier Govt. of India vide it's letter

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No.3817/DS(Oand M)/Civ-1/84 dated 18.10.1984 had on the unanimous recommendation the Anomalies committee conveyed the sanction of the President upgrading certain number of jobs from semi-skilled grade to skilled grade. Pursuant to the said letter Govt. had also opened doors for fresh induction to the skilled trades from the semi-skilled trades. It was therefore was expected that pursuant to the said letter the competent authority would take suitable action examining the nature of work performed by the employees of different trades and to take appropriate decision in this regard declaring to be skilled grade taking into consideration the degree of skill required to perform their duty. Respondents however did not exercise such study and for this skilled workers like applicants are still getting pay of semi-skilled grade of Rs. 210.00 - 290.00 instead of Rs. 260.00 - 400.00 as skilled grade.

A copy of the letter dated 15.10.1984 is annexed herewith and marked as ANNEXURE-B

4.12. That as stated earlier the copy of the letter of Govt. of India dated 15.10.1984 (Pursuant to which recommendations of Anomaly committee which was constituted to resolve the anomalies arising out of the recommendation of 3rd pay commission were implemented) were sent to concern authorities of different branches of Army. The Head Quarter Eastern Command Fort William, Calcutta vide it's letter dated 15.10.1984. It is stated that as a result, a number of semi-skilled categories like Book Binder, Boot Maker, Leader-stitcher, Engine-Driver, Upholsterer etc got the benefit of skilled category. Moreover, few more categories like Blacksmith, Carpenter, Coppersmith, Electrician, Fitter, Turner, Welder etc were also approved for induction to highly skilled grade-II and highly skilled grade-I. However,

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unfortunately the trades to which the applicants belong i.e. Tent mender, Rope worker, Cycle fitter etc were ignored.

A copy of Head Quarter's letter dated 14.10.1985 is annexed herewith and marked as ANNEXURE-C.

4.13. That highlighting the grievances the applicants approached the Regional Labour Commissioner, Ministry of Labour, Govt. of India vide application dated 30.01.1996. In their application it was stated that tradesman like Tent mender, Rope worker, Chuckler, Cycle fitter etc. who had been discharging their duties in the depot since long period were not given the benefit of three grade structure similar to other trades like Painter, Carpenters, Sawyer, Blacksmith, etc. It was stated further that the employees belongs to their trades are performing very risky jobs in the field area/ peace area in comparison to other trade and their trade requires high degree of skill as admitted even by the Anomalies committee in it's report. therefore, the prayer was made to give them the status of skilled status with the pay scale of Rs.260.00 - 400.00 which was revised to Rs.950.00 - 1500.00 w.e.f. 01.01.1986.

A copy of the application dated 30.01.1996 is annexed herewith and marked as ANNEXURE-D.

4.14. That in response to the application filed by the applicants the office of the Labour Commissioner called upon the Commandant, 222, Advanced Based Ordinance Branch for it's comments. The Commandant vide it's letter dated 15.02.1996 offered it's comment and stated that the recommendation of Anomalies Committee have not far been implemented in Defence Establishment and Tailor, Chuckler, Cycle fitter, Tent mender,

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Rope worker, and Sawyer categories have not been considered for promotion as skilled/semiskilled in three grade structure.

A copy of the letter dated 15.02.1996 is annexed herewith and marked as ANNEXURE-E.

4.15. That the office of the Labour Commissioner vide it's letter dated 20.03.1996 called upon the Commandant, ABOB for conciliation.

A copy of the letter dated 20.03.1996 is annexed herewith and marked as ANNEXURE-F.

4.16. That subsequently on 12.07.1996 a letter dated 12.07.1996 was produced before the Labour Commissioner by the respondents wherein there has been a mention regarding filing of SLP against the judgment dated 28.05.1996 passed by CAT, Ghy which was a similar matter. The conciliation officer vide it's order dated 12.07.1996 decided to close the dispute with an observation that the management since would take a similar decision after the disposal of SLP.

A copy of the said order dated 12.07.1996 is annexed herewith and marked as ANNEXURE-G.

4.17. That subsequently it was learnt by the applicants that the SLP preferred by the Union of India against the order of the CAT, Guwahati dated 19.10.1995 in OA 154/94 was dismissed by the Supreme Court and the Govt. of India vide its order dated 15.10.1996 also conveyed the sanction of the President granting the skilled grade pay of Rs.260.00-400.00 from 16.10.1981 which was subsequently revised to Rs.950.00-1500.00 w.e.f. 1.1.1986 to the applicants OA No. 158/94 working as Tailors in Advanced Based Ordinance Branch and the Judgment dated 19.10.1995 (passed in OA

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158/94) got implemented. The applicants thereafter submitted another representation dated 19.11.1996 highlighting the aforesaid development with a prayer to extend a similar benefit to their Trades.

A copy of the representation dated 19.11.1996 and the judgment and order dated 19.10.1995 are annexed herewith and marked as ANNEXURE-H and J.

4.18. That when nothing was done the applicants preferred yet another representation dated 03.12.1997 followed by a reminder dated 26.04.1998 to the respondents praying for granting similar benefits as has been granted to the applicants in OA 158/94. The respondents thereafter issued a letter dated 12.08.1998 rejecting the prayer made by the applicants.

Copies of representations dated 03.07.1997, communication dated 27.05.1998 and the letter dated 12.08.1998 are annexed herewith and marked as ANNEXURE-3, K and L respectively.

4.19. That the applicants state that a bare perusal of the impugned letter dated 12.08.1998 will show that the respondents have repeated their earlier contention in consideration of which earlier judgment have been passed. It is pertinent to mention here that basing on the judgment dated 19.10.1995 passed in OA No. 158/94 this Hon'ble Tribunal has been decided OA No.202/00 vide it's judgment and order dated 17.05.2001. The present applicants are now seeking a similar direction from this Hon'ble Tribunal.

A copy of the judgment and order³ dated 17.05.2001 passed in OA No. 202/00 is annexed³

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herewith and marked as ANNEXURE-M.

4.20. That the applicants beg to state that claiming a similar benefit from this Hon'ble Tribunal preferred OA No.196/99. The respondents raised the issue that the applicants are not entitled to get the benefit of skilled grade as there was no presidential sanction to that effect. After hearing the parties to the proceeding the Tribunal was pleased to allow the said OA directing the respondents to take presidential sanction in this matter and to refix the pay of the applicants and to pay their arrears and other dues within a period of three months.

A copy of the aforesaid judgment and order dated 03.05.2001 passed in OA No. 196/99 is annexed herewith and marked as ANNEXURE-N

4.21. That the Respondents preferred writ petition before the Hon'ble High Court against the aforesaid Judgment and order dated 3.5.2001 passed in OA No.196/99 which was registered as W.P.(c)No.698/02. On 6.2.2002 after hearing the parties to the proceeding the Hon'ble High Court was pleased to dismiss the said Writ Petition with a further direction to implement to Judgment of the Hon'ble Tribunal within a period of two month with effect from 6.2.2002.

A copy of the Judgemnt and order dated 6.2.2002 in W.P.(c) No.698/02 is annexed herewith and marked as ANNEXURE-O.

4.22. That after dismissal the aforesaid Writ Petition the Respondents instead of implementing the Judgment issued an identical order dated 14.5.2002 to each applicant rejecting their claim for grant of skilled grade pay scale. The ground stated in

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the aforesaid impugned orders are not at all sustainable as same are merely a repetition of the contention made in the entire proceedings.

A copy of one of such order dated 14.5.2002 is annexed herewith and marked ANNEXURE-P.

4.23. That the applicant beg to state that the Respondents have acted illegally in not implementing the Judgment and order of this Hon'ble tribunal and in issuing order 14.5.2002. Similarly situated employees belonging to Tailor Trade under the Respondents also made a similar prayer before this Hon'ble Tribunal by way of filing OA. 158/94 which was allowed by this Hon'ble Tribunal vide it's Judgement and order dated 19.10.1995. The aforesaid Judgment has been implemented by the Respondents by issuing a letter dated 15.10.1996. It is therefore the Respondents are duty bound to extend similar benefits to the present applicants.

A copy of the letter dated 15.10.1996 is annexed herewith and marked as ANNEXURE-Q.

2.24. That the applicants beg to state that admittedly the applicants who are working in the trade of Tent Mender, Rope Worker, Chuckler and Cycle fitter are to perform work which requires high degree of skill than other trades now under skilled category after the Judgments. It is pertinent to mention here that in earlier proceedings however the Respondents did not dispute the fact that the duties performed by the applicants require high skilled degree of skill than other skilled grade. Under similar fact situation the Hon'ble Supreme Court in it's Judgment reported in 1989(II) SCC page 299 directing the Respondents for granting skilled grade to the petitioners thereto

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and to refix their pay in the scale of Rs.260.00- 400.00 w.e.f 16.10.1981 which was subsequently revised to Rs.950.00- 1500.00 w.e.f 1.1.1986.

4.25. That the applicant state that malafide and colorable exercise of power in Writ large on the face of the impugned letter in as much as the Respondents have failed to take into consideration the fact that other similarly situated employees are enjoying higher pay than the present applicants even after performing duties having lesser risk and responsibility.

4.26. that the applicants beg to state that the ground states in the impugned order and the contention raised therein indicates the fact that the Respondents have not applied their mind in issuing the impugned orders. As per the said impugned orders contentions of the Respondents are that it is not possible to treat the trade of the applicants as skilled one since the categorisation was done by an expert committee and there has been no recommendation in this regard in the 4th and 5th Pay Commission. It is stated that the Respondents have wholly misconceived the agreements placed by the applicants in the OA. such categorisation was also there in the trades who were earlier not within the purview of skilled category. However, the Apex Court as well as this Hon'ble Tribunal already held that these categories are entitled to the pay scale of Rs.260.00-400.00 (pre-revised). Same in the case of the applicants and the principle of granting skilled grade having already been laid down, the Respondents now debarred from raising the issue once again as reflected in the impugned orders.

4.27. That the applicants beg to state that their case is

squarely covered by the Judgement dated 19.10.1995 passed in OA No.158/94 which was subsequently implemented by an order dated 15.10.1996. The applicants through this application in fact pray for similar consideration from the Respondents and to pass a like order taking into consideration the order dated 15.10.1996. It is therefore the action of the Respondents in issuing impugned orders can be termed as violative of Article 14 and 16 of the Constitution of India and laws framed there under and same are liable to set aside and quash.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the impugned orders rejecting the claim of the applicants in granting the pay scale of skilled grade are not sustainable in such as same are violative of Article 14 and 16 of the Constitution of India and laws framed thereunder.

5.2. For that the fixation of higher scale of pay to the similarly situated employees like that of the present applicants and granting them the status of skilled grade ignoring the trades of the applicants, is highly arbitrary, discriminatory and in contravention of fundamental rights of the applicants enshrined in Article 14 and 16 as well as in Article 39(D) of the Constitution of India.

5.3. For that the employees of different trades which were getting the similar scale of pay till 1981 can not be treated differently without any intelligible different and rational and objective criteria by allowing higher scale of pay to employees of some of the trade from an earlier date and giving the same benefit to rememblers of others trades in the skilled garde from a

5/10

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later date and also altogether denying members of some of the trades to any benefit at all of the higher scale and the status of skilled trade is highly discriminatory and contrary to the equality clause envisaged the Article 14 and 16 of the Constitution.

5.4. For that on face of the admission made by the Commandant, 222, Advanced Based Ordinance Branch in letter dated 15.2.1996 that "the recommendation of the Anomalies Committee have not so far been implemented in Defence Establishment by our higher Hqrs./Min of Defence and Tailor, Chuckler, Tent mender, Rope workers, Sawyer and By cycle fitter categories have not been considered for promotion as skill/semi skilled in three grade structure", it is no longer open for the Respondents to procrastinate any further on the matter. Their inaction, therefore, is highly unreasonable and violative of Article 14 of the Constitution.

5.5. For that the Respondents by not granting the skilled grade to the applicant's trade and by denying them the status of skilled trade have acted in violation of the principle of Law laid down by the Supreme Court in the case of Bhagawan Sahai, Carpenter and Ors. -vs- Union of India & Anr. reported in 1989 (2) SCC, 299.

5.6. For that this Hon'ble Tribunal also in its Judgment dated 19.10.1995 passed in OA 158/94 (Nripen Mohan Paul & Ors. -vs- Union of India & Ors.) also granted the skilled grade to the trade of tailors working in Advanced Based Ordinance Branch. Therefore, in terms of the ratio of the aforesaid order of this Hon'ble Tribunal, the applicants are also entitled to get the

35

similar benefit.

5.7. For that the Respondents have acted illegally in issuing the impugned orders dated 14.5.2002 repeating the same contentions made earlier but did not find favour with the Apex Court and the Hon'ble Tribunal and virtually have committed contempt of court for their willful and deliberate violation of the judgement and order dated 3.5.2001 which was confirmed by the Hon'ble High Court vide it's Judgment and order dated 6.2.2002 passed in W.P.(C) 698/2002.

5.8. For that the Respondents instead of rejecting the prayer of the applicants mechanically in a most arbitrary manner ought to have considered the contentions raised in the representation in its true perspective and the same having not been done, the impugned order is not sustainable.

5.9. For that the ground on which the Applicants are sought to be deprived of their legitimate dues as reflected in the impugned letter are not at all sustainable in as much as those grounds have already been dealt with by the Apex Court as well as the Hon'ble Tribunal granting the reliefs to the petitioners therein.

5.10. For that in any view of the matter, the impugned order is not sustainable and liable to be set aside and quashed.

6.DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

- 8.1. To direct the Respondents to set aside and the identical impugned orders dated 14.5.2002 issued to each applicants.
- 8.2. To direct the Respondents to treat the Jobs of Tent Mender, Rope Worker, Chucklers and cycle fitters in Advanced Based Ordinance Branch, 222, C/o.99, APD under the Ministry of Defence Govt. of India as skilled trade thereby granting the pay of skilled grade of Rs.260.00-400.00 from 16.10.81 which was revised to Rs.950.00- 15000.00 w.e.f. 01.01.86.
- 8.3. Cost of the application.
- 8.4. Any other relief/reliefs to which the applicant is

See

entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

In the facts and circumstances of the case the applicants do not pray for an interim order at this stage.

10.

11. PARTICULARS OF THE I.P.O.:

- 1. I.P.O. No. : 7 G 575306
- 2. Date : ~~24/8~~ 24/9/02
- 3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

VERIFICATION

I, Shri Rahmulla Thakur , aged about 59 years, S/O .
Karim Miyan , at present working as tradesman, in the office of
222 Advanced Based Ordinance Branch Narangi, C/O 99 APD do
hereby solemnly affirm and verify that the statements made in
paragraphs .2,3,4,1,42,440,426,4.5 to 12..... are true to
my knowledge and those made in paragraphs 1,43-49,44,425,428
are also true to my legal advice and the rest are my humble
submission before the Hon'ble Tribunal. I have not suppressed any
material facts of the case.

And I sign on this the Verification on this
the 19th day of .Sept of 2002.

Signature.

←←←←←
(RAHMULA THAKUR)

662
21-
No. MGO/OS-20/785-LC/D(Civ, I)
Government of India,
Ministry of Defence,
New Delhi, the 15th Oct., 1996.

39
ANNEXURE- A

To
The Chief of the Army Staff.

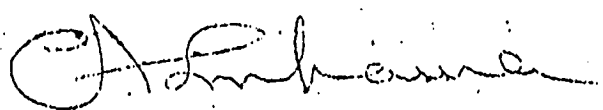
Subject: Implementation of CAT Guwahati Bench Judgement dated 19.10.95 in OAI No. 158/94 -
Shri Nripendra Mohan Paul and 16 others,
working as Tailors in Ordnance Branch,
222 Army Post Office C/o 99 Versus
Union of India and Others.

Sir,

I am directed to refer to the aforesaid order and judgement of the Hon'ble CAT Guwahati Bench and to convey the sanction of the President granting the skilled grade of Rs. 260-400 from 16.10.81 revised to Rs. 950-1500 from 1.1.85 to the 17 petitioners who are working under the Commandant Advanced Base Ordnance Branch, 222 Army Post Office C/o 99. The arrears of payment will be accounted as charged expenditure for which separate sanction will be issued in due course after working out the arrears. The payment will however be made subject to outcome of Review Application proposed to be filed in the Supreme Court.

2. This issues with the concurrence of Finance Division vide their U.O. No. 550-AG/PB/96 dt. 11.10.96 and in consultation with Ministry of Finance vide their U.O. No. C-309/IC/96 dt. 11.10.96.

Yours faithfully,



(C.A. Subramanian)
Under Secretary to the Govt. of India
Tele. 3014575.

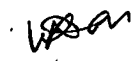
Copy to:-

OS Dte./OS-20

CDA concerned (copy signed in ink)

MG AOC, Eastern Command; AOC (Record), Secunderabad
Army HQ OS-8C, AG Branch, AFA(O-1A)/AFA(AG), Comdt 222 ABOD
Min of Def/D(Civ-I)

Attested


Advocate.

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- 22 -

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2

ANNEXURE-7B

No. 3817/DS(O2) /Civ-1/84
Government of India
Ministry of Defence

ANNEXURE-7

To New Delhi, the 15th October, 1984
The Chief of the Army Staff,
New Delhi.

Subject : Fitment of industrial workers of A.O.C. in pay
scale as recommended by the Third Pay Commission.
Sir,

Based on the decisions taken by the Government on the unanimous recommendations of the anomalies committee I am directed to convey the sanction of the President to the following :

(i) Upgradation of the following jobs from semi-skilled grade (Rs. 210-270) to the skilled grade (Rs. 260-400).

Sl. No.	Job Title	Existing Scale	Revised
(1)	Book Binder	Rs. 210-270	Rs. 260-400
(2)	Eqpt & Hook Repairer/Job Repairer/Root Maker/Saddler	- do -	- do -
(3)	Leather Stitcher	- do -	- do -
(4)	Engine Driver	- do -	- do -

These orders supersede the earlier orders in regard to fitment of the above categories of workers in the relevant scales of pay from the date of issue of this letter.

Fresh induction to the trades listed in (i) above shall be from -

- (a) Semi-skilled categories to be identified by you or feeder categories in the pay scale of Rs. 210-270/- already existing under the present recruitment rules, subject to the workers having rendered a minimum of 3 years service in the grade and after passing the prescribed trade test, and
- (b) Direct recruits with ITI certificate/Ex-trade apprentices/NCTVT etc. inducted in the semi-skilled grade, who have rendered two years service in that grade.

Attested
W.D.S.
Advocate.

(ii) Provision/introduction of highly skilled grade-II (Rs.330-480/-) and highly skilled grade-I (Rs. 380-560) for common category jobs listed in Annexure-I classified as "skilled" depending on the functional requirement of highly skilled jobs, in the following manner as a bench mark percentage

- (a) Highly skilled grade-I (Rs. 380-560) 15%
- (b) Highly skilled grade-II (Rs.330-480) 20%
- (c) Skilled grade (Rs.260-400) 65%

This should be given to the trades enumerated in Annexure-I with viable number of jobs and if there are non-viable trades this should be grouped together for the purpose of giving the above benefit. In the trade, there the above bench mark percentages are introduced, the selection grade for the skilled grade if provided will stand simultaneously abolished as a one time measure.

- 2. These orders will take effect from the date of issue.
- 3. The expenditure involved shall be debitable to the respective head of the Defence Services estimates.
- 4. This issues with the concurrence of the Ministry of Defence (Finance Division) vide their inter departmental No. 1755/Dir(Af/Eqpt) of the 15th october, 1984.

Yours faithfully,

Sd/-
(RAMA KRISHNA)
Dy. Secretary to the
Government of India.

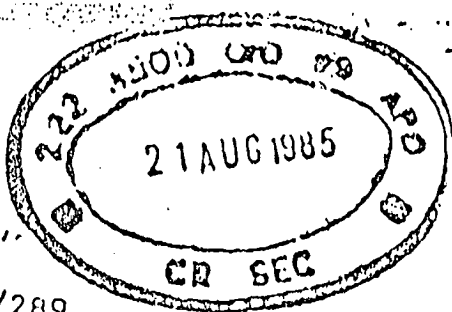
Copy to :

CGDA, New Delhi - 2 copies
DADS, New Delhi
Dy. Director of Audit, Defence Service, Calcutta/
Pune/Meerut/ Dehradun/ Patna (2 copies each)

Controller of Defence Accounts, Eastern Command,	Calcutta
" " " Central	Meerut
" " " Western	Chandigarh
" " " Southern	Pune
" " " Northern	Jammu
" " " Bangalore	
" " " Guwahati	

DOS, Army Hq. - 50 copies
Fin Division
DFA (AG)

Attested
Advocate.



ANNEXURE-PC

Tele: 232321/289

PRIORITY

Mukhyalaya Pūrvī Kaman
Headquarters Eastern Command
Fort William Calcutta 700021

321530/P/OS-20

14 Aug 85

222 APO
(HQ EC Added list of 1988
Ser No 11 & 12)

FITMENT OF INDUSTRIAL WORKERS OF AOC IN
PAY SCALES RECOMMENDED BY THE THIRD PAY
COMMISSION : ANOMALIES

1. Ref this HQ letter of even Number dated 9 Nov 84.
2. Copies of Army Headquarters letter No 3/13012/Fitment/OS-8C (11) dated 6 Aug 85 and 3/13012/Fitment/OS-8C(11) dated 29 Jul 85 are fwd herewith. You are requested to submit your completion report by 23 Aug 85 direct to Army Headquarters (OS-8C-11) under intimation to this HQ.
3. Further you are requested to offer your suggestion/ views on the terms of reference of the convening order (Copy att) at the earliest by 20 Aug 85, direct to Army HQ OS-8C(11).
4. Please ack.

COMDT	✓
DY COMDT	
ADM OFFR	
OIC HQ	

Calcutta

(OS Banerjee)
Major
DAOS (Stores)
for Maj Gen Army Ord Corps

Copy to :-

DG OS (OS-8C-11)
Army Headquarters
DHQ PO New Delhi - 110011

Internal

OS-UC

Alongwith copies of Army HQ re let mentioned in para 2 above, for further necessary action on the subject.

Pl Spr

Earl Jacobs

Attested

W. S. A.

Advocate.

COPY OF ARMY HEADQUARTERS LETTER NO U/13010/Fitment/OS-BC(11)
DATED 29 JUL 85

FITMENT OF INDUSTRIAL WORKERS OF AOC IN
PAY SCALES RECOMMENDED BY THE THIRD PAY
COMMISSION : ANOMALIES

1. Please refer to this HQ letters No :-

(a) 60737/ECC/OS-20 dated 25 Oct 84.

(b) letter of even number dated 02 May 85.

(c) letter of even number dated 01 Jul 85.

*Filed (Reproduced in
Ha Comd letter)*

P/116

P/127

*(Reproduced in
Hd Comd letter)*

2. Vide this HQ letter at para 1 (a) above, orders of Min of Def letter No 3817/DS(C&M)/Civ-I/84 dated 15 Oct 84 regarding fitment of Industrial workers in AOC in pay scales recommended by the Anomalies Committee were forwarded to all concerned for further necessary action.

3. However, it was observed that the units faced some difficulties in implementing the same due to certain doubts which needed clarification. Accordingly, Min of Def was approached by the HQ who issued clarifications which were circulated vide letter quoted at para 1 (b) above.

4. Since some doubts were still left under-unresolved, further clarifications were issued vide letter quoted in para 1 (c) above and Depot/Commands were requested to implement the Govt Orders.

5. In the meantime during a meeting held under the Chairmanship of VCOAS(b) at this HQ on 08 Jul 85, it was decided that since all the categories covered under the Govt letter are of common category, identical instructions as far as possible should be issued by all the Directorates to ensure uniformity in the application of the orders. Accordingly this HQ letter at para 1 (c) was cancelled vide our signal No 371947/OS-BC(11) dated 08 Jul 85.

6. In view of the above, detailed instructions on implementation of the Govt order dated 15 Oct 84 are enclosed herewith as appendix to this letter.

7. These orders may please be implemented immediately and consolidated completion report be submitted to this HQ by 23 Aug 85. Depots which have already taken action in accordance to earlier orders should take necessary corrective measures to conform to the instructions contained herein.

8. Please acknowledge.

Sd/xxxx
(S Vorghosa)

Major Gen

Adcl DG OS (CN & A)

for Director Gen of AOC

Attested

Advocate

26 -

(104) 44

Appendix to Army HQ letter No
111 dt 29 Jul 84

R/13010/Fitment/238G-

General Govt of India, Min of Def vide their letter No BE17/057(02M)/Civ-I/84 dated 15 October 1984 circulated to all concerned vide letter mentioned at para 1(a) above have upgraded some jobs from semi-skilled grade (Rs 210-290) to the skilled grade (Rs 260-400). Further Highly skilled grade II (Rs 330-480) and Highly skilled grade I (Rs 330-560) have been provided/introduced in certain other common category of jobs.

Upgradation of Jobs from Semi Skilled Categories to Skilled Category

2. Industrial personnel belonging to the following categories of jobs as on 15th October 1984 will be placed in the pay scale of Rs 260-400 and their pay will be fixed as per Art 158 CSR:-

- (i) Book Binder
- (ii) Eqpt & Boot Repairer/Web Repairer/Boot Maker/Sadler.
- (iii) Leather Stitcher.
- (iv) Engine Driver.
- (v) Upholsterer.

3. Since the above mentioned Semi-Skilled trades have been upgraded to Skilled category, in their fitment no trade test will be carried out.

4. Fitment from the pay scale of (Rs 210-290) to the scale of (Rs 260-400) will not be treated as promotion in the above cases.

5. Fresh Induction. Fresh induction in the above categories will be made by promotion from the feeder cadres which will be identified and intimated to all concerned shortly. For this purpose a sub-committee has been formed at this HQ. Relevant recruitment Rules will be amended in due course.

6. Pending issue of the instructions in this regard, ensuing vacancies in the above five upgraded categories will be filled first by promotion of labourers/mazdoors to semi-skilled level of mates of respective categories, thereafter to skilled categories as is applicable in other similar trades. If mates in these categories do not exist already, the same will be created from the existing authorisation of mates.

8. Provision or Introduction of Highly Skilled Grade II and Highly Skilled Grade I

7. The common category jobs which have been approved for introduction of Highly Skilled grade II (HS-II) and Highly Skilled grade I (HS-I) grades are as under:-

Contd...

Attested
Advocate.

- (i) Blacksmith ✓
- (ii) Carpenter ✓
- (iii) Coppermith/joiner ✓
- (iv) Electrician ✓
- (v) Fitter Auto Elec
- (vi) Fitter Auto
- (vii) Machinist
- (viii) Moulder
- (ix) Painter
- (x) Pattern Maker
- (xi) Turner ✓
- (xii) Welder ✓

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Is. (u)
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8. The existing authorisation of above mentioned trades is to be reallocated as per following bench-mark percentage :-

- (a) Highly skilled grade I (Rs 380-560) - 15% ✓
- (b) Highly skilled grade II (Rs 330-480) - 20% ✓
- (c) Skilled grade - 65% ✓

9. Calculating the post of HS-II and HS-I. In calculating the number of posts in HS-II and HS-I the per bench-mark percentage fixed above, the fraction of 0.5 and above will be converted into whole number. An example showing the method of working out the number of posts depending on total strength in a post/group of posts is indicated in Annexure I to this letter.

10. Grouping of Trades. Wherever the number of posts in a trade mentioned in para 7 above are meagre, they should be grouped along with other affected trades so that their number becomes viable. From the authorisation pattern of trades in the depots, it is observed that of the 12 trades mentioned in para 7 above, Machinist, Moulder, Turner, Pattern Maker and Welder are very thinly spread over a number of depots. As such they should be grouped with other trades as under :-

- (a) Turner, Machinist, Moulder and Welder should be grouped together with Blacksmith and Joiner.
- (b) Pattern Maker should be grouped with Carpenter and Joiner.

11. If difficulty is faced in grouping as indicated above, commandants of the depots may make adjustments keeping in view discernible commonalities in job contents of trades grouped together. The purpose of grouping the trades is to offer opportunity to individuals belonging to meagre trades to compete with others for promotion to HS-II and HS-I. On promotion they will, however continue to perform jobs prescribed for their trades only.

12. Filling up posts of HS grade II and HS grade I according to allocation issued by MIn or D of HS Grade II and HS Grade I are promotion post vide their letter No 1(2)/80/D(ECC/IC)/Vol.11 (PC) dated 19 Apr 85. Hence, action as indicated in succeeding paras will be taken by the depot authorities in filling up of the above, posts.

Contd...3

Attested
Advocate

Take full

- 3 -

13. Individuals who have a minimum of three years service in skilled grade will be subjected to a trade test, syllabus for which will be laid down by this HQ. However, since it is likely to take some time, depot authorities may form Trade Testing Board as per this HQ letter No 08961/08-20 dated 03 Apr 67 which will conduct trade test by provisionally fixing the standards, only as an interim measure.

14. Highly skilled grade I posts are also to be filled up by promotion. For this purpose also a minimum of three years service is required in HS grade II and the individual is required to pass trade test.

15. Since, initially there may not be tradesmen available with requisite length of service for promotion from Highly skilled grade II to Highly Skilled Grade I, the total number of authorized posts is 35% will be held in Highly Skilled Grade II.

16. In this connection attention is drawn to Rule 43 of Financial Regulations Part I, according to which excess appointment in a lower rank/grade may be made against a vacancy left unfilled in a higher rank/grade. For each vacancy in a higher rank/grade only one extra appointment in a lower rank/grade is admissible.

17. Selection grade. Selection grade for skilled grade for trades mentioned in para 7 above, if provided, will stand automatically abolished as a one time measure.

18. Reservation for SC and ST Reservation orders for SC and ST will be applicable in HS Grade II and HS Grade I posts as is applicable in promotion posts.

19. Job Grouping and Redesignation of posts The jobs will be redesignated as per job titles suggested by ECC vide Min of Def letter No 1(2)/80/D(ECC/IC) dated 11 May 83 circulated to all concerned vide this HQ letter No 00737/ECC/08-20 dated 13 May 83. For example, Fitter MV, Veh Mech MV and Veh Mech will be designated as Fitter Auto (Skilled). On promotion to HS Grade II and HS Grade I, they will be known as Fitter Auto (SH-II) and Fitter Auto (HS-I).

xxx

Attested
Lid
Advoc

OF POSTS IN DEFERENT SKILLED GRADES (SKILLED
LY SKILLED GRADE II AND HIGHLY SKILLED GRADE I)
PER BENCHMARK PERCENTAGE/AUTHORISED BY STRENGTH IN
THE GROUP

Authorised Strength in the Group	NUMBER OF POSTS THAT CAN BE UPGRADED		
	Skilled Grade I	Highly skilled Grade II	Highly skilled Grade I
1	1		15%
2	2	N11	
3	2	N11	N11
4	2	1	N11
5	2	1	N11
6	3	1	1
7	4	1	1
8	5	1	1
9	6	2	1
10	6	2	1
11	6	2	1
12	7	2	2
13	8	2	2
14	8	2	2
15	9	3	2
16	10	3	2
17	10	3	2
18	11	4	2
19	11	4	2
20	12	4	3
	13	4	3

and so on.

Adak /

COPY OF ARMY HQ LETTER No B/13012/DS-BC(11) DATED 6 AUG 85

DIRECT LINE OF PROMOTION : INDUSTRIAL POSTS

1. Reference this HQ letter No B/13010/Fitment/DS-BC(11) dated 29 Jul 85.
2. As indicated in para 5 of this HQ letter under reference, a sub-committee has been formed at this HQ including two staff side members to identify direct line of promotion for the trades which have been upgraded from semi skilled to skilled category and also for those which have been brought under three grade structure vide convening order attached herewith.
3. In view of the above, please offer your suggestion/ views on the terms of reference of the convening order ibid at the earliest but not later than by 20 Aug 85.

Sd/xxxxx
 (J Verghese)
 Maj Gen
 Addl DG DS (CN & A)
 for Director General of Ord Service

Attested
 Advocate.

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CONVENING ORDER

1. As per Min of Def letter No. 1(2)/80/D(ECC/IC) dated 11 May 83 and letter No 3817/DS(DAM)/Civ-1/84 dated 15 Oct 84 pay scales of a number of trades have been revised. These orders have also been given effect to vide this HQ letter No D/13010/Fitment/DS-8C(11) dated 20 Jul 85.

2. Changes brought about in the cadre structure of industrial personnel due to Govt orders cited above have necessitated the review of the existing line of promotion of industrial posts as contained in Min of Def letter No PC 89487/1/DS-8C(11)/4043/D(Appts) dt 08 Jul 75 as amended from time to time.

3. In view of the above, DGOS has approved that a sub-committee consisting of the following members will examine the issue.

- | | | |
|---|---|----------|
| (a) Lt Col SC Puri
JD (OS Para), Army HQ | - | Chairman |
| (b) Shri P Mezumdar
DD (OS-20) Army HQ | - | Member |
| (c) Shri VN Kecker,
Lt Col
Staff Side, Army HQ
JCM Council | - | Member |
| (d) Shri D Lobo
Secretary
Army HQ JCM Council | - | Member |

4. Terms of reference
(a) to recommend direct line of promotion for trades which have been upgraded from semi skilled to skilled category.
(b) to recommend direct line of promotion for trades which have been brought under three grade structure.
5. The sub-committee will assemble at dates, time and place to be decided by the Chairman.
6. The report will be submitted by 01 Oct 85.
7. Secretarial assistance will be provided by DS-8C.

D/13012/DS-8C(11)
Dto Gen of Ord Service
MGO Branch, Army HQ
DHQ PO New Delhi - 110011
6 Aug 85

Sd/xxxxxx
(J Verghese)
Maj Gen
Addl DG OS (C & I)

Attested
[Signature]
Advocate

1087/Wu

30 Jan. 96 ✓

Before Hon'ble Regional Labour Commissioner (C)
Ministry of Labour, Govt. of India, Rajgarh Road,
Guwahati.

222 ADO D workers Union ... 1st party
-Vs-

Commandant 222 ADO D 2nd party

In the matter of :-

Anomalies in P. Scale of trade
i.e. T/M, R/W, Ch. Cycle fitter, L. Driver.

Sir,

The First party beg to state the following for your kind consideration and expeditious action please.

That the grave Injustice has been done to the tradesmen like Tent, Rope workers, Chuklar, Cycle fitters, Lister drivers etc. who had been discharging the duties in the Depot since a long period and not been given three grade of structure similar to other trade like Painters, Carpenters, Sawyers, Blacksmith etc. and result anomalies in pay fixation has been noticed as per implementation of pay commission in different times.

That, these categories of trade men are performing very risky of jobs in field area/piece area in comprising to other trade. Moreover they are high degree-1 skilled trade as declared by anomalies committee report.

In view of the above, a list of such tradesmen as Annexure 'A' been enclosed herewith for your kind consideration and necessary action please. Further you requested to make necessary arrangement for conciliation the matter at the earliest.

Yours faithfully,

Bd/

President/Gen. Secy.

checked
WDA
ocate.

ANNEXURE-E

222 Agrim Sthal Ayudh Bhandar
222 Adv Base Ordnance Depot
C/O 99 APO

1509/Court Case/150-94/ /EST /5 Feb 96

Assistant Labour Commissioner (Central)
Rajgarh Road, Chandmari
Guwahati - 781003

ANNEXURE-

In the matter of anomalies in pay scale
of tradesmen i.e. T/M, R/U, Chukler,
Cycle Fitter, Motor Driver

Dear Sir,

1. With reference to your letter No 8(3)/96-C/B dated 05 Feb 96 the following comments are offered :-

2. In accordance with Min of Def letter No 3817/DS/DGM/ CIV I/84 dated 15 Oct 1984 and Army HQ letter No 8/13010/ Fitment/OS-8C(ii) dated 29 Jul 85 received under HQ Eastern Command letter No 321530/P/OS-20 dated 14 Aug 85 the Industrial Personnel belonging to the following jobs were placed in the Semi Skilled trades and further graded to skilled categories but the Teller Trade was not considered as Semi skilled or Skilled.

- | | |
|-------------------------|---------------------------|
| (a) Blacksmith | (k) Pattern Maker |
| (b) Carpenter | (l) Turner |
| (c) Coppersmith/Tinmith | (m) Welder |
| (d) Electrician | (n) Book Binder |
| (e) Fitter Auto Elec | (o) Eqpt & Boot Repairer/ |
| (f) Fitter Auto | Web Repairer/Boot Maker/ |
| (g) Machinist | Sadler |
| (h) Moulder | (p) Leather Stitcher |
| (j) Painter | (q) Engine Driver |
| | (r) Upholster |

3. In accordance with Min of Def D/ECC/IG U.O. No 7(I)/86/ D/ECC dated 28 Jan 86, anomalies committee had interalia recommended :-

- (a) The skill required in the repair/overhaul workshops is generally of the production shops. Therefore, there should be no difference in the pay scales of workers doing similar jobs involved in the similar skills and experience.
- (b) All the jobs studied by the Anomalies Committee which are at present in semi skilled grade of Rs 210-290 may be upgraded to the skilled grade of Rs 260-400. This may be given effect from 16 Oct 84.

The Semi skilled jobs (Rs 210-290) in other Def Establishments whose nomenclature is the same and job content and skill requirement are comparable with those jobs already studied, should also be evaluated to skilled category (Rs 260-400) without further study.

Accepted
User
Advocate

Based on the above recommendations, sanction was inter-
 accorded for the upgradation of few semi skilled grades
 (Rs 210-290) to the skilled grade (Rs 260-400) in the Defence
 Establishment and it was stated fresh induction to those
 upgraded trades shall be from :

- (a) Semi skilled categories to be identified by you
 or feeder categories in the pay scale of Rs 210-290
 already existing under the present recruitment rules,
 subject to workers having rendered a minimum of three
 years service in the grade and after passing the
 prescribed trade tests and
- (b) Direct recruits with III certificates/ex-trade
 Apprentices/MCTVY etc., inducted in the semi skilled
 grade who have rendered 2 years service in that grade.

4. The recommendation of the anomalies Committee have
 not so far been implemented in Defence Establishment by our
 higher HQs/Min of Defence and Tailor, Chuklar, Tentmender,
 Repaworkers, Sawyer and bicycle fitter categories have not
 been considered for promotion as skill/semi skilled in three
 grade structure.

5. As soon as the above categories are considered for
 promotion as skill/semi skilled necessary action to promote
 these categories will be taken.

Yours faithfully,

(Signature)

(RK Balli)

Lt Col
 Administrative Officer
 Far Commandant

Attested

(Signature)

Advocate.

ANNEXURE - F

ANNEXURE-11

REGISTERED/A/D.

GOVERNMENT OF INDIA
Ministry of Labours,
Office of the Assistant Labour Commissioner (Central)
Rajgarh Road, Chandmari, Guwahati-781003

No. 8(3)/96-G/A

Dated the 20 MAR 1996

To,
The Commandant,
222 Agrim. Sthal Ayudh Bhandar,
222 Adv. Base Ordinance Depot,
C/O 99 APO

Subject: Industrial dispute in the matter of anomalies
in Pay scale of trademen i.e. T/M, R/W. Chukler
Cycle Fitter, Mister Driver.

Dear Sir,

Please refer to your comments dated 15.02.96 over the demand
of 222 ADOD workers Union, Narengi P.O. Moukhuli, Guwahati.

I have since fixed the date for discussion/conciliation on
8.4.96 at 15.00 hrs. in my office situated at Rajgarh Road, Chandmari
Guwahati-3.

You are therefore, requested to be personally present or through
a duly authorised representative competent to take decision on the
spot alongwith all relevant documents/papers to resolve the matter
amicably.

Yours faithfully,

(G.K.DAS)

Assistant Labour Commissioner (C)
Guwahati

12/96
REGISTERED A/D.

Copy to the President 222 ADOD Worker Union, Narengi P.O. Moukhuli,
Guwahati. You are requested to attend the office of the undersigned
on the stipulated date and time alongwith all relevant documents/
papers in support of your contention demands.

Sd/

Assistant Labour Commissioner (C)

Guwahati

Attested

Waa
Advocate.

ANNEXURE III

12.7.96

The Management is represented by Shri H.R. Sorate Ordinance officer. The Union is represented by Shri M.N. Majumdar, President.

The Management produced a letter bearing No. 1509/ Court case/158-94/CST dt. 12.7.96 addressed to the A.L.C. Guwahati by Shri R.K. Ball, Lt. Col. Administrative officer for Commandant in which they have mentioned that the Army Head Quarters has filed SLP against the CAT's order on 23.5.96 in the Supreme Court regarding anomalies in Pay Scales. The management is therefore not in a position to take further decision in the matter until the pronouncement of judgement by the Supreme Court as expressed by them.

The Union also agreed to the point of view expressed by the management. They agree not to pursue the demand of the Judgement by the Apex Court is delivered. Both the parties further agree to continue bipartite discussion in the matter.

The dispute is therefore treated as closed having been disposed off.

Sd/-illegible 12.7.96.

A.L.C at Guwahati.

Conciliation officer.

Present of 2222 AMOD

Attested

[Signature]

Advocate.

16/12/96

ANNEXURE- H

To
The Commandant
222 ABOD

DISPARITY OF PAY

Sir,

We the undersigned, beg to state the following few lines for your kind consideration please.

That Sir, a dispute regarding disparity of pay was raised by of the signatories in the court of Regional Labour Commissioner (Central) Guwahati. The statement of the case was that the trades like Tent Mender, Rope Worker, Chuckler and cycle fiter have been placed in un skilled grade, whereas other trade have been declared as skilled grade. Accordingly pay scale of those trades have been hiked. On 12th July 96 on the date of hearing on the dispute the management submitted in the court that SLP have been filled in the Supreme Court of India against the verdict of CAT, Guwahati in connection with Tailor case whose pay is identical to the applicants of the dispute. No the Army Hqs have given clear instruction to implement the verdict of CAT as SLP in the Supreme Court have been dismissed.

Therefore, it is our request that necessary steps may please be taken to declare Skilled grade to the following trades i.e. Tent Mender, Rope Worker, Chuckler, Cycle fiter.

Thanking you,

Yours faithfully,

Signature	T No	Rank	Name
21/11/96 19.11.96	33	7/07	Ramdeo Sahi
27/11/96	226	"	S. R. Jashi
4/12/96	229	"	P. Dhebi
4/12/96	305	"	P. Ram
J. Bahadur	382	"	Jas Bahadur
4/12/96	394	"	P. Ram
4/12/96	399	"	D. Bahadur
4/12/96	516	"	J. Sahi
4/12/96	546	"	U.C. Bhangra
4/12/96	634	"	D. Rajkumar
4/12/96	758	"	J. D. Mahi
4/12/96	963	"	N. Bahadur
4/12/96	996	"	P. C. Thakur
4/12/96	999	"	M. D. Bhangra
4/12/96	975	"	S. Ali

CHAKLAR

Signature

NO.

Rank

Name

79
07517129114

454 CH

B.N. Ram.

1201836

1006

CH

Nar Bahadur.

26/11/11

1133

1

Tek. Singh.



1134

"

S.L. Ram.

52111111111

1022

"

Jailal Ram.

SSsing.

1337

"

S.S. Singh

A.N. JHA

304

"

A.N. Jha.



2016

"

K. Anwar

CYCLE FITER



1150

CH

R.C. MUZANICK

TINNATH

1151

"

T.N. Taluka

Vide. 5811/795/RSSD.

Date 19 NOV 96

Attested
Vide
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.158 of 1994

Date of decision: This the 19th day of October 1995

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman

The Hon'ble Shri G.L. Sanglyine, Member (Administrative)

Shri Nripendra Mohan Paul and 16 others,
Working as Tailors in Ordnance Branch,
222 Army Post Office C/o 99.

.....Applicants

By Advocate Shri H. Rashid

- versus -

1. Union of India through Secretary of Defence,
Government of India, Ordnance Branch,
New Delhi.
2. The Director General of Ordnance (Service OS-8C),
Master General of Ordnance Branch,
Army Headquarters, New Delhi.
3. Master General,
Headquarter Eastern Command, Ordnance Branch,
Fort William, Calcutta.
4. Commandant,
Advanced Base Ordnance Branch,
222 Army Post Office C/o 99.

.....Respondents

By Advocate Shri S. Ali, Sr. C.G.S.C.

O R D E R

CHAUDHARI.J. V.C.

The 17 applicants are employees working under the Ministry of Defence, Government of India, posted under the Commandant Advanced Base Ordnance Branch, 222 Army Post Office C/o 99 and are posted in the North Eastern Region. All these applicants appear to be attached to Tailor's job and belong to Tailor trade and carry out tailoring job for the Ordnance Branch. It appears that they are presently placed in the scale of pay of Rs.210-290 which is the position existing since prior to the Third Central Pay Commission. The applicants

Advocate.

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contend that having regard to the nature of their job they ought to be included in the category of skilled workers, but that despite their repeated representations their claim is being neglected by the respondents. The scale of skilled grade in the three trade structure on the basis of the recommendations of the Anomalies Committee vide letter of the Government of India, Ministry of Defence No.3817/DS/OSM/Civ.1/84 dated 15.10.1984 appears to be Rs.260-40065%.




2. It is averred by the applicants that at all times the Anomalies Committee has neglected to consider the Tailors as skilled workers although they have been representing from time to time. They further aver that the tailoring job is very important and an indispensable job in the Ordnance Department and it involves skill equal to other categories of workers who have been classified as skilled, namely, Painter, Cobbler, Carpenter, Book binder, Leather, Water Fitter, Brick layer, Moulder Grade "C", Boot repairer, Mason, Polisher etc. in different branches of Air Force, Navy, Army, yet they are not being recognised as skilled workers. They are not included in the three grade structure as yet. They had sent a representation to the Director General of Ordnance Services, Army Headquarter, New Delhi on 21.4.1992 pointing out that their's was an important grade and they were being deprived the benefit of three trade structure and have not been given any financial benefit prior to Fourth Pay Commission although their job is a hard job relating to day by day production of tailors job and it is a difficult type of work. It was further pointed out that prior to Third Pay Commission all trades of AOC were considered equal in the pay scale of Rs.210-290 and that although other categories were placed in higher pay scale after the Third Pay Commission Report the category of Tailors trade was continued as unskilled category and thus great injustice was done to them and they were suffering great financial loss. They requested Army Headquarters to include the Tailor trade in the skilled category and to give them the benefit of pay scale accordingly. Again on 5.7.1994 applicant

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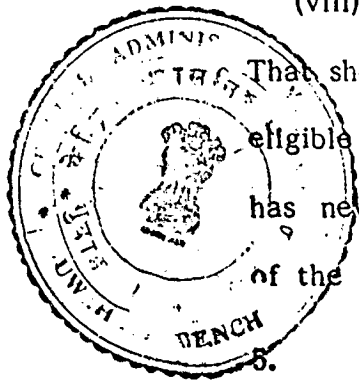
4: - 42 -

as skilled/semi skilled. That indicates that possibly after the report of the Fourth Pay Commission some anomaly had arisen and the matter was referred to the Anomalies Committee and it had recommended the 13 categories to be classified as skilled/semi skilled. We find in the list of those categories the following two entries:

(vii) Tailor Ord Grade

(viii) Tailor Mate

That should mean that the Tailor trade has already been recommended eligible for promotion as skilled/semi-skilled categories. That, however, has never been given effect to and that precisely is the grievance of the applicant.



8. What baffles us is the statement made further on in the same paragraph of the written statement. It is stated thus:

"The Anomalies Committee has not so far considered Tailor category as well as other categories of Industrial as well as Non Industrial personnel thus the Head of the Department cannot take any step to promote such personnel. The power has not (should be now) only been vested to anomalies committee."

A reference is made to the judgment in the case of Telecom Factory Jabalpur -vs- Union of India, CAT Jabalpur Bench Decision of 1990 (CAT Journal). Frankly speaking, we are totally unable to understand this part of the written statement. It is difficult to understand as to how the Anomalies Committee can remain in animated suspension and whether it has continued to exist. It is also not clear as to why the Anomalies Committee is required to decide the question because it is not shown that any anomaly had arisen. It is also not stated as to why the question has not so far been resolved and as to why it has not been asked to do so. The reference given to the decision of the Jabalpur Bench is not sufficient to locate the said decision. No copy thereof has also been produced. It is also not explained as to how the recommendation of the Anomalies Committee relating to Tailor ordinary grade and Tailor Mate still leaves the question of non-consideration of the Tailor trade by the Committee^{open}. The written statement only tries to protect respondent No.4 by stating that he

Attested

WDM

Advocate.

as the head of the department is unable to take any steps in the absence of any recommendation of the Anomalies Committee. It is not shown as to why the Director General of Ordnance or the Army Headquarters or the Ministry has not taken any decision on the point. Moreover, the written statement speaks of promotion as skilled/semi-skilled workers. The applicants, however, have claimed only the categorisation as skilled workers and scale payable to them. Perhaps that is being construed as promotion by the respondent No.4.

6. Neither party has enlightened us about the pay being paid to the applicants as at present nor they have furnished any information as to the position after the report of the Fourth Pay Commission. Thus on the existing material as is placed before us and finding some difficulty owing to paucity of relevant material we have no choice but to decide the claim of the applicants on the basis of the existing material.



The applicants have averred in paragraph 1 of the application that their job is a skilled job. They have stated thus:

"The Tailor job is very important and indispensable job in the Ordnance Department (Branch) in the Defence Department. The intelligensia required is no less than painter, cobbler, carpenter, Book-binder, leather, water, fitter, brick layer, Moulder grade "C", Boot repair, mason, polisher etc. in different branches of Air Force, Navy, Army, department, which should be recognised as skilled job and as such should be included them under the skilled group grade."

As noted earlier in the representation dated 21.4.1992 they have stated that the Tailor job is one of the most important trades and Ordnance service. There is no denial of this assertion of the applicants nor it is the case of the respondents that the job of the Tailors cannot be considered as skilled job having regard to the nature of the work performed by them in comparison with the work carried out by other trades who have already been categorised as either skilled or semi-skilled. The written statement shows that following

trades.....

Attested

[Signature]
Advocate.

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trades have ^{been} so categorised: 44

- i) Packer Ord Grade
- ii) Packer Mate
- iii) Tentmender Ord Grade
- iv) Tentmender Mate
- v) Ropeworker Ord Grade
- vi) Ropeworker Mate
- vii) Tailor Ord Grade
- viii) Tailor Mate
- ix) Chuckler Ord Grade
- x) Chuckler Mate
- xi) Lister Driver
- xii) Sawyer Ord Grade
- xiii) Sawyer Mate



The nature of the work performed by Tentmender and Ropeworker cannot be ~~as~~ involving more skill than required in the tailoring job.

We are not, therefore, convinced that on any rational ground the applicants could be treated as unskilled workers. It appears that their category has remained to ^{be} considered owing to sheer neglect on the part of the authorities concerned.

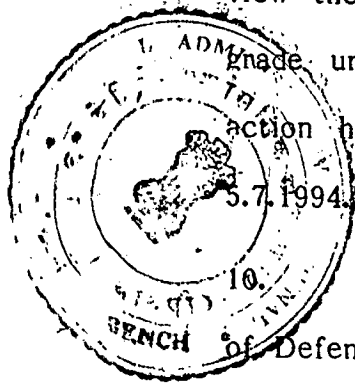
8. The particulars given by the applicants show that one of the applicants joined the service in 1962, 5 applicants joined the service in 1963, one applicant joined the service in 1964, 2 applicants joined in 1965, 5 applicants joined in 1966, one applicant joined in 1967 and only applicant No.1 had joined service in 1976. The applicants have thus put in ^{considerable} ~~suitable~~ length of service and it is obvious that their services were found satisfactory as they have been continued in the job. Necessarily they have also gained experience in the work required in the Ordnance Department. That strengthens their case for treating them as eligible for skilled grade. In the absence of any material being shown that the scale was revised and enhanced after the Fourth Pay Commission we can only go by the statement contained in the representation of the applicants dated 21.4.1992

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indicating that their pay scale was Rs.210-290 and the skilled grade prescribed under the three grade structure was Rs.260-400. Assuming that these grades had been revised, with the length of service and the nature of work which the applicants are performing continuing to pay them for their services in the old scale of Rs.210-290 (at the rate of corresponding increase, if at all there has been any increase) appears to us to be grossly unfair having regard to the overall pay-structure of Government employees in various departments. In our view the applicants deserve to be included in the category of skilled grade under the three grade structure without further delay as no action has been taken on their representations dated 21.4.1992 and 5.7.1994.



A copy of the letter of the Government of India, Ministry of Defence, addressed to the Chief of Army Staff etc. on the subject of fitment of Industrial workers in pay scales recommended by the Third Pay Commission bearing No.17(5)/89-D(Civ-I) dated 19.3.1993 has been brought to our notice. After referring to Government letter dated 15.10.1984 and the decision of the Supreme Court in WP 12259-66/1984 it contains the decision of the President of India to the effect that all the trades which had been granted the "skilled" grade from semi-skilled grade with effect from 15.10.1984 will now be given the benefit of the pay scale of skilled grade (Rs.260-400) with effect from 16.10.1981 subject to the other conditions mentioned in the letter dated 15.10.1984. It also provides that arrears of pay and allowances will be admissible to the employees concerned including those who were in service during the relevant period, but are no longer in service owing to retirement, resignation, death etc. In our opinion the applicants should also be given the benefit of this decision.

11. Bringing the applicants into the skilled category so as to make them eligible for skilled grade involves upgradation. From the aforesaid letter it is seen that sanction of the President is required

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for the upgradation and consultation with the Ministries of Finance and Defence is also necessary to make the payment of arrears permissible.

Because of these requirements it will not be open to us to make an order of upgradation or payment of higher grade arrears straightaway.

We would ^{wish} ~~only~~ ~~add~~ that the respondents ~~should~~ take the necessary steps to comply with the formalities so as to extend the benefit to the applicants without loss of further time.

In the result following order is passed:

i) We direct the respondents to take effective steps for obtaining the sanction of the President and concurrence of the concerned Ministries of the Government of India to declare the applicants in the Tailor grade as "skilled workers" and to grant them thereafter subject to the sanction, the skilled grade with effect from 9.11.1984 as prayed by them on the conditions contained in the Government letter dated 15.10.1984 as modified by the decision of the Government of India contained in the letter dated 19.3.1993.

ii) We direct the respondents to carry out the aforesaid exercise within a period of three months from the date of communication of this order and thereafter subject to the decision taken, to pay the arrears of pay and allowances to the respective applicants as may be found payable as a result of granting antedated skilled grade scale in accordance with the aforesaid guidelines, within a period of two months thereafter.

13. The original application is partly allowed in terms of the above order.

14. Copy of the order should be forwarded to all the respondents separately. A copy also be furnished to Mr S. Ali, Sr. C.G.S.C.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

TRUE COPY
16/8/02
Section Officer (Judicial)
Central Administrative Tribunal
Gurgaon

Amended
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cate.

From : Ramdeo Sah, Tent Mender and 52 others
All are working under the Commandant,
Advanced Based Ordinance Branch, 222 C/O 99 APO.

To

1. The Defence Secretary to the Government of India, South Block, New Delhi.
2. The Director General of Ordinance Service, Master General of Ordinance Branch, Army Headquarters, New Delhi-110011.
3. Commandant, Advanced Based Ordinance Branch, 222 C/O 99 APO.

Sub : Representation pursuant to the order of the Guwahati Bench of the CAT dated 5.12.97 passed in O.A. No. 238/97.

Re : Order of the Gauhati Bench of the CAT dated 5.12.97 passed in O.A. No. 238/97 (Ramdeo Sah & Ors. -Vs- Union of India & Ors.) directing the undersigned to file a representation within one month in regard to the subject matter of the O.A. with the further direction to the Respondents to dispose of the representation within three months.

Sir,

In regard to the subject mentioned above, we the undersigned, submit the following for your kind consideration and necessary action :

1. That the undersigned belong to four different categories of grades viz. Tent Mender, Rope Worker, Chuckler and Cycle Fitter. Initially all these four different categories were getting the same scales of pay in the skilled grade since the recommendation of the 1st Pay Commission in 1949. All the employees of the trade in skilled grade in Military Engineering Services also received common scales of pay on the recommendation of 2nd and 3rd Pay Commission till 1981. Hence till 1981, the pay scales of the similarly situated different trade were equal. However, in 1981 out of the 15 trades in the skilled grade, some of the trades had been

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Advocate.

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upgraded. This upgradation in the scales of pay was made on the basis of the report of an expert committee appointed in 1981 which gave scores of point to the various grades and on its basis recommended higher scale of pay for six trades in the skilled grade i.e. Rs. 260-400 whereas the other trades of the same grade were termed as semi-skilled and the pay of scale was recommended as Rs. 210-290/-. This anomaly in the scale of pay of employees of different trades within the same grade led to great dissatisfaction amongst the employees of different Otrade within the skilled grade.

The particulars of the undersigned containing their trades and date of enrollment is annexed as ANNEXURE-A.

2. That being thus aggrieved, the employees belonging to six trades viz. Moulder, Mason, Upholsterer, Sawyer, Pipe Fitter and Plumber moved the Writ petition under Article 32 of the Constitution before the Supreme Court challenging the denial of higher scales of pay to their trades and refusal to give them as skilled grade. During the pendency of these writ petitions before the Supreme Court, the Government of India filed its affidavit wherein it was stated that in accordance with the recommendations of the Third Pay Commission which was accepted by the Government, an expert classification committee was set up in 1974 to study and evaluate the job content of all industrial and a few specifically selected non-industrial jobs in Defence Establishment and to correlate the evaluation to suitable pay scales within the framework of the recommendation of the 3rd Pay Commission. The Commission submitted its recommendation to the Government in 1979. It recommended

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Advocate.

nine pay scales for the industrial workers after applying the technique of job evaluation following the point rating method. It was also stated in the affidavit of the Government that the orders were issued by the Government to implement the decision of the Committee on October 16, 1981

The application is not directed against any particular. It has been made against the continuous wrong against the undersigned in regard to deemed denial by the Respondents in placing the trade of the undersigned viz. Tent Mender, Rope Worker, Chuckler and Cycle Fitter into skilled grade and extending them the skilled grade of Rs. 260-400/- from October 16, 1981 in pursuance of the Government of India letter No. 3817/DS(DM)/Civ-I/84 dated 15.10.84. The undersigned had agitated their grievance before the Assistant Labour Commissioner (Central), Ridgarh Road, Chandmari, Guwahati-781003. However, vide order dated 12.7.96 the Assistant Labour Commissioner (Central) closed the dispute on the ground that a similar matter connected with the undersigned's grievance is pending before the Supreme Court and in view of the pendency of that case, the dispute raised by the undersigned before the Assistant Labour Commissioner was closed. Subsequently the aforesaid SLP was also dismissed by the Supreme Court and the undersigned filed yet another representation dated 19.11.96 before the Commandant, 222, Advanced Based Ordinance Branch bringing to his notice the aforesaid fact. However the representation did not evoke any response. The undersigned thereafter filed O.A. No. 287/96 on 16.12.96 before the Hon'ble CAT, Guwahati Bench. The O.A. was admitted on 18.12.96. Subsequently due to certain unavoidable

Advocate.

circumstances for the purpose of removing certain mistakes that had cropped up inadvertently in the O.A. this Hon'ble Tribunal allowed the withdrawal of the aforesaid O.A. with the liberty to file it afresh vide its order dated 29.7.97. Accordingly, the instant O.A. is being filed before this Hon'ble Tribunal.

3. That in the case of the Writ Petitioners who had filed their Writ petitions before the Supreme Court the pay scales recommended by the Committee were made available to their trades from October 15, 1984 (pursuant to the letter of the Chief of the Army Staff, New Delhi of the said date). The Writ Petitioners therefore had demanded that the benefit of the higher pay scale recommended by the committee be made available to them from October 16, 1981 and their grade be treated as skilled grade with the scale Rs. 260-400/-.

4. That the Supreme Court gave its decision in the aforesaid Writ petitions No. 12259-66 of 1984, on March 15, 1989 [reported in 1989 (2) SCC 299] and directed that the Writ Petitioners belonging to the trades such as Carpenter, Mason, Painter, Upholsterer, Plumber, Pipe Fitter, Sawyer and Sign Writer are entitled to be treated as belonging to skilled grade and therefore be given the skilled grade of Rs. 260-400/- from October 16, 1981.

Copy of the abovenoted decision of the Supreme Court reported in (1989) 2 SCC 299 is annexed as ANNEXURE-B.

5. That placing the reliance upon the aforesaid decision of the Supreme Court, Shri Nripendra Mohan Paul and 16 other

W.D. Das
Advocate.

undersigned working as Tailors in Ordinance Branch 222, APO filed O.A. No. 158/94 before the Hon'ble CAT, Guwahati Bench. In their application, the prayer was made to treat the trade of Tailor as skilled trade and to accord skilled grade of Rs. 260-400/- from 16.10.81 revised to Rs. 950-1500/- from 1.1.86. The Hon'ble CAT, Guwahati Bench in its judgment dated 19.10.93 passed in O.A. No. 158/94 allowed the Original Application and granted the relief to the undersigned therein. The Special Leave Petition filed against the judgment of Hon'ble CAT, Guwahati Bench was also dismissed by the Supreme Court. Subsequently, the Government of India, Ministry of Defence vide its letter No. NSO/OS-20/788-LD/D(Div.I) dated 15.10.96 conveyed the sanction of the President granting the skilled grade of Rs. 260-400/- from 16.10.81 revised to Rs. 950-1500/- from 1.1.86 to the aforesaid 17 undersigned working as Tailors under the Commandant, Advanced Based Ordinance Branch, 222, C/O APO.

Copy of the Government of India's letter dated 15.10.96 is annexed as ANNEXURE-C.

FACTS OF THE PRESENT CASE :

6. That the undersigned as stated above who belong to four different trades of Tent Mender, Rope Worker, Chuckler and Cycle Fitter are still aggrieved inasmuch as their trades have not been granted the status of skilled trade and thus they are deprived of the higher scale of Rs. 260-400/- which has been revised to Rs. 950-1500/- from 1.1.86. All these undersigned as stated earlier are working under the Commandant, Advanced Based Ordinance Branch, 222, C/O 99

Attested

Advocate.

APD. The employees working as Tailors in the said Branch who till the decision of this Hon'ble Tribunal were getting the equal grade like that of the present undersigned are now getting the higher grade of Rs. 260-400/- from 16.10.81 revised to Rs. 950-1500/- from 1.1.86 due to the judgment of this Hon'ble Tribunal passed in O.A. No. 158/94. Similarly, the Writ Petitioners who had filed the Writ petition before the Supreme Court as mentioned earlier belonging to the trades like Carpenter, Mason, Painter, Upholsterer, Plumber, Pipe Fitter, Sawyer and Sign Writer have also been granted the skilled grade from 16.10.81.

7. That the undersigned belonging to the trades of Tent Mender, Rope Worker, Chuckler and Cycle Fitter were once similarly situated like that of the above mentioned Writ Petitioners before the Supreme Court belonging to the trade of Carpenter, Mason, Painter, Plumber, Pipe Fitter etc. Similarly they were equally placed earlier like that of Tailors working under the Commandant, Advanced Based Ordinance Branch. It is stated that the trades of the undersigned in terms of the nature of work requires as much of skill and proficiency as that of the trades which have been granted the status of skilled trade. As such the undersigned are entitled to be given the status of skilled trade workers with the higher scale belonging to skilled trade i.e. Rs. 260-400/- from 16.10.81 revised to Rs. 950-1500/- from 1.1.86.

8. That the nature of job perform by the undersigned requires a high degree of skill as stated earlier. Hence not granting the status of skilled trade to the job performed by the undersigned is without any basis and the classification

Attested

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thus made between the trades of the undersigned and of the other trades that have been granted the status of skilled trade is not at all reasonable, the same being without any intelligible differentia and rational and objective criteria.

9. That as stated earlier, the Government of India Ovide its letter No. 3817/D8(O&M)/Civ-I/84 dated 15.10.84, had, on the unanimous recommendation of the Anomalies Committee, conveyed the sanction of the President upgrading certain number of jobs from semi-skilled grade to skilled grade. Pursuant to this letter, the Government had also opened the doors for fresh induction to the skilled trades from the semi-skilled trades. It was, therefore, was expected that in pursuance of the said letter, the competent authority would take suitable action examining the nature of work performed by the employees belonging to the different trades and to take an appropriate decision in regard to granting the skilled grade to those very trades which require sufficient degree of skill and proficiency. Unfortunately in the case of the undersigned, no such study was undertaken and as such, despite their trade belonging to the category of skilled trade was deprived of such a status and was continued to be regarded as semi-skilled trade resulting in the employees working under it getting the semi-skilled grade of Rs. 210-290/- against the skilled grade of Rs. 260-400/-.

Copy of the letter dated 15.10.84 is annexed as

ANNEXURE-D

Received
10/11/84
in office

10. That as stated earlier, the copy of the letter of the Government of India dated 15.10.84 (pursuant to which recommendations of the Anomalies Committee which was constituted to resolve the anomalies arising out of the recommendations of the 3rd Pay Commission, were implemented) were sent to the concerned authorities of different Branches of Army. The Headquarters, Eastern Command, Fort William, Calcutta vide its letter dated 14.10.85 issued appropriate directions to the concerned Branches of Army under the Eastern Command for their views and suggestions in terms of the Government of India's letter dated 15.10.84. It is stated that as a result of this number of semi-skilled categories like Book Binder, Boot Maker, Leather Stitcher, Engine Driver, Upholsterer etc. got the benefit of skilled category. Moreover, few more categories like Blacksmith, Carpenter, Coppersmith, Electrician, Fitter, Turner, Welder etc. were also approved for introduction to highly skilled grade-II and highly skilled grade-I. Unfortunately the trades to which the undersigned belong viz. Tent Mender, Rope Worker, Chuckler and Cycle Fitter were ignored.

Copy of the Headquarters, Eastern Command letter dated 14.8.85 is annexed as ANNEXURE-E.

11. That the undersigned having failed to get the redressal of their grievance approached the Regional Labour Commissioner (C), Ministry of Labour, Government of India vide their application dated 30.1.76. In their application it was stated that tradesman like Tent Mender, Rope Workers, Chucklers, Cycle Fitters etc. who had been discharging their duties in the Depot since long period were not given the

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benefit of three grade structure similar to other trade like Painters, Carpenters, Sawyers, Blacksmith etc. It was also stated that the employees belonging to their trade are performing very risky jobs in field area/peace area in comparison to other trade and that their trade requires high degree of skill as admitted even by the Anomalies Committee in its report. Therefore, the prayer was made to give them the status of skilled trade with the pay of skilled grade viz. Rs. 260-400/- revised to Rs. 950-1500/- from 1.1.86.

Copy of the application dated 30.1.96 is annexed as ANNEXURE-F.

12. That in response to the application filed by the undersigned, the office of the Labour Commissioner called upon the Commandant, 222, Advanced Based Ordinance Branch for its comments. The Commandant vide its letter dated 15.2.96 offered his comments wherein at paragraph 4, it was specifically stated that "the recommendation of the Anomalies Committee have not as far been implemented in Defence Establishment by our higher Hqrs/Min of Defence and Tailor, Chukler, Tentmender, Ropeworkers, Sawyer and Bicycle fitter categories have not been considered for promotion as skill/semi skilled in three grade structure."

Copy of the letter dated 15.2.96 is annexed as ANNEXURE-G.

13. That the office of the Labour Commissioner vide its letter dated 20.3.96 called upon the Commandant, 222, Advanced Based Ordinance Branch for conciliation.

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Copy of the letter dated 20.3.96 is annexed as
ANNEXURE-H.

14. That subsequently on 12.7.96 on behalf of Advanced Based Ordinance Branch, a letter bearing No. 1509/Court Case/158-94/CST dated 12.7.96 was produced before the Labour Commissioner. In the aforesaid letter, it was stated that the Army Headquarters has filed SLP against the order of the CAT, Guwahati Bench on 28.5.96 in the Supreme Court in a similar matter. In view of the aforesaid information, it was stated by the Advanced Based Ordinance Branch that it is not in a position to take further decision in the matter till the pronouncement of the judgment by the Supreme Court. The learned Conciliation Officer taking note of this information decided to close the dispute with an observation "..... the Union also agreed to the point of view expressed by the Management. They agree not to pursue the demand of the judgment (sic) by the Apex Court is delivered. Both the parties further agree to continue bipartite discussion in the matter."

Copy of the order of conciliation Officer dated
12.7.96 is annexed as ANNEXURE-I

15. That subsequently, it was learnt by the undersigned that the SLP preferred by the Union of India against the judgment of the CAT, Guwahati Bench dated 19.10.95 in O.A. No. 158/94 was dismissed by the Supreme Court and the Government of India vide its letter dated 15.10.96 also conveyed the sanction of the President granting the skilled grade of Rs. 260-400/- from 16.10.81 revised to Rs. 950-1500/- from 1.1.86 to the undersigned of the aforesaid O.A.

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working as Tailors in the Ordinance Branch, 222, C/O 99 APD thereby implementing the judgment dated 19.10.95 of the Hon'ble CAT, Gauhati Bench passed in O.A. No. 158/94. The undersigned thereafter submitted yet another representation dated 19.11.96 to the Commandant, 222, Advanced Based Ordinance Branch wherein they brought to the notice of the latter the subsequent developments and requested that necessary steps may be taken to declare the skilled grade to the trades of Tent Mender, Rope Workers, Chuckler and Cycle Fitter.

Copy of the representation dated 19.11.96 is annexed as ANNEXURE-J.

16. That subsequently, the undersigned filed O.A. No. 287/96 on 16.12.96 before this Hon'ble Tribunal seeking the redressal of their grievances. On 18.12.96 the aforesaid O.A. was admitted by this Hon'ble Tribunal. However, after the pendency of the said O.A. for a period of more than a year, due to certain unavoidable circumstances the undersigned were compelled to withdraw their O.A. because inadvertently certain mistakes had cropped in the averments made by them in their O.A. The Hon'ble Tribunal vide its order dated 29.7.97 allowed the withdrawal of the O.A. with a liberty to file a fresh O.A.

Copy of the order dated 29.7.97 passed in O.A. No. 287/96 is annexed as ANNEXURE-K.

17. That the undersigned therefore filed a fresh Original application being numbered O.A. 238/97 before the Gauhati Bench of the C.A.T. The aforesaid O.A. filed by the undersigned was disposed by the Hon'ble Tribunal vide its

Attested
W.D.
Advocate.

Tele : 3018735

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ANNEXURE-K
OF IMMEDIATE/BY HAND
TIME BOUND REPRESENTATION

B/Gen/13101/RD/OS-8C(11)

27 May 98

ARMY HQs/MGO's BRANCH
OS-8C(11)

REPRESENTATION PURSUANT TO THE ORDER OF THE
CAT GUWAHATI DATED 05 DEC 97 PASSED IN OA.
NO. 263/97 IN THE CASE OF SHRI RAMDEO SAH &
52 OTHERS OF 222 ABOD

1. Reference per 11 of your note No 60737/Gen/OS-20 dated 06 May 98 and this office note No B/Gen/13101/OS-8C(11) dated 16 Jan 98 and No B/Gen/13101/Tfr/OS-8C(11) dt 02 Mar 98.
2. Shri Ramdeo Sah, Tent Mender & 52 others of 222 ABOD, G/O 99 APD had filed a Court Case OA.No. 263/97 before Hon'ble CAT, Guwahati Bench, praying interalia for a direction to the respondents to treat the jobs of Tent Mender, Rope workers, chucklers and cycle fitters in the 222 ABOD as skilled trade and grant of pay scale accordingly.
3. Hon'ble CAT Guwahati has delivered the Judgment/Order dated 05 Dec 97 with the direction to applicants to submit their representation before the respondents No 2 i.e. the DG OS, giving details about their grievances within one month from today. Accordingly, Shri Ramdeo Sah, Tent Mender and 52 others has submitted their Representation to the Secretary, Min of Def, the DG OS and Commandant, 222 ABOD on 31 Dec 97 through their Advocate Shri PK Tiwari of Guwahati High Court (Flag 'D').
4. Since the Representation pertains to treat the jobs of Tent Mender, Rope Markers, Chucklers and Cycle Fitters in the 222 ABOD as skilled trade thereby granting it skilled grade of Rs 260-400/- from 15 Oct 81, revised to Rs 950-1500/- from 01 Jan 86, hence it should be disposed of by OS-20 in compliance of Hon'ble CAT Order dated 05 Dec 97.
5. The following documents related to the subject Representation are again forwarded herewith for early disposal of the representation at your end :-
 - (a) Hon'ble CAT Guwahati Order dated 05 Dec 97.
 - (b) DO letter dt 31 Dec 97 alongwith Representation and other connected papers with curt Note No B/Gen/13101/OS-8C(11) dt 16 Jan 98.
 - (c) Min of Def I.D. No 21-c-D(O.II)/97 dt 8 Jan 98 with its encls i.e CAT Guwahati Order dt 05 Dec 97.
 - (d) Min of Def I.D. No 51-C-D(O.II)/98 dt 19 Jan 98 alongwith Representation and other connected papers.
 - (e) 222 ABOD letter No 1509/Court Case/x/EST dated 13 Feb 98 (Comments from Comdt 222 ABOD on the Representation).

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Attested

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Advocate.

(f) 222 ABOD letter No 1509/Court Case/263/97/x/EST dated 24 Jan 98 in duplicate.

(g) 222 ABOD letter No 1509/Court Case/x/EST dated 13 Feb 98 in duplicate.

(h) Letter dated 9 Mar 98 from Shri PK Tiwari, Advocate Guwahati High Court alongwith Court Order dated 05 Dec 97.

(j) Notice dated 25 Apr 98 from Shri PK Tiwari, Advocate Guwahati High Court alongwith Court Order dated 05 Dec 97, requesting for early disposal of the Representation, added to Secretary, Min of Def and the DG OS respectively.

(k) 222 ABOD letter No 1509/Court Case/54/EST dated 05 May 98.

6. In view of the above, Offg Addl DG OS (CMA) is requested to issue necessary instructions to OS-20 for early disposal of the Representation in compliance of CAT Guwahati Order dated 05 Dec 97 to avoid legal complications. The Representation was received by us on 15 Jan 98 and was required to be disposed of by 15 Feb 98.

7. The case has been returned twice by OS-20 vide their Note No 69246/Gen/OS-20 dt 8 Feb 98 and No 60737/Gen/OS-20 dated 06 May 98.

(AK Vyas)

Col

Director OS (Para)

Offg ADG OS (CMA)

Copy to :-

Min of Def/D(O.II)

Commandant

222 ABOD

C/O 99 AFO

Shri PK Tiwari, LL.M.
Advocate

Guwahati High Court
Masjid Lane Santipur
Guwahati-781 009

- for information. Further correspondence on the subject case may please be made direct with Army HQ (OS-20).

Arrested

WDA

Advocate.

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ANNEXURE - L

Tele : 3018900

REGISTERED BY POST

Directorate General of Ordnance Services
Master General of Ordnance Branch
Army Headquarters
DHQ PO, New Delhi - 110 011

B/Gen/13101/RD/OS-8C(ii)

12 August 1998

Shri PK Tiwari, LL.M.
Advocate
Guwahati High Court
Masjid Lane Santipur
Guwahati - 781 009

DISPOSAL OF REPRESENTATION IN PURSUANT TO ORDER
OF CAT, GUWAHATI BENCH DATED 05.12.97, PASSED
IN OA NO. 263/97 (RAMDEO SHAH & 52 OTHERS) Vs
UNION OF INDIA & OTHERS

Sir,

1. Please refer to correspondence resting with your letter dated 25 April 98, regarding disposal of representation in pursuant to Order of CAT, Guwahati Bench dated 05 December 97 in OA No. 263/97.
2. The representation submitted by Shri Ramdeo Shah & 52 others has been examined in detail. Firstly, all the 53 individuals have filed a single representation which is against Govt of India's decision No 22 under Rule 3 (2) of CCS (Conduct) Rules, 1964. However, being a direction from the Hon'ble CAT, the issue has been examined threadbare and our comments are contained in succeeding paragraphs.
3. The categorisation of four trades viz Tent Mender, Rope Workers, Chucklers and Cycle Fitters (i.e. the posts being held by the applicants) is based on the recommendations of Expert Classification Committee constituted consequent to recommendations of 3rd Central Pay Commission and Anomalies Committee on 3rd Central Pay Commission.
4. The Expert Classification Committee (ECC) was constituted to study & evaluate job contents, on point rating basis and proper categorisation of industrial workers under various Defence Establishments. Based on the recommendations of the committee Ministry of Defence notified the following categories of industrial workers vide their letter No. 1(2)/80/D/ECC/IC dated 11 May 1983 :-

- (a) Unskilled
- (b) Semi-Skilled
- (c) Skilled
- (d) Highly Skilled-II
- (e) Highly Skilled-I

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Attested
Advocate

5. The above classification was examined by the Supreme Court in deciding Civil Appeal No. 3999-4025 of 1988 in the judgement delivered on 13 July 1993 and the same has been upheld.

6. It will be seen from the representation of the individuals that they have prayed to :-

(a) treat the jobs of Tent Menders, Rope Workers, Chucklers, and Cycle Fitters in 222 ABOD C/D 99 APD under the Govt of India, Ministry of Defence as skilled trade thereby granting it skilled grade of Rs 260-400 from 16.10.81 revised to Rs 950-1500 from 01.01.86.

(b) pass such order/orders as may be deemed fit and proper in the facts and circumstances of the instant case.

7. In accordance with Ministry of Defence letter No. 1(2)/80/D/ECC/TC dated 11 May 83 and No. 3317/DS(O&M)/Civ I/84 dated 15 Oct 84 and the fact that the categorisation of these four trades as semi-skilled was done by an Expert Committee, it is not feasible to treat these trades as skilled and grant them pay scale of Rs 950-1500 from 01.01.86. IVth and Vth Central Pay Commissions have also not recommended any changes in categorization of these four trades to which the applicants belong.

8. With the above comments, we would request you to apprise the individuals of the above position.

Yours faithfully,


(SK Jain)
Colonel

Director Ordnance Services (Personnel)
for Director General Ordnance Services

Attested

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.202 of 2000

Date of decision: This the 17th day of May 2001

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

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

Md. Ashraf,
Civil Tailor,
No.44253, ARC, Shillong,
Order No.M.T.42/2 MES, Power House,
Happy Valley, Shillong.

.....Applicant

By Advocates Mr S. Ali and Mr B. Seal.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Defence,
New Delhi.
2. The Commandant,
Assam Regimental Centre,
Shillong.
3. The Directorate General of Infantry
General Staff Shakha/General Staff Branch,
H.Q. P.O. New Delhi.

.....Respondents

Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

This case is squarely covered by the decision rendered by the Tribunal in O.A.No.158 of 1994, Shri N.M. Paul and 16 others vs. Union of India and others, disposed of on 19.10.1995.

2. The applicant is a Civilian Tailor working under the respondents with effect from 20.4.1978 in the pay scale of Rs.200 to 250/- per month. The applicant submitted representations before the authority requesting the authority to remove the anomaly in the pay structure

*Attested
by
Advocate*

81 - 63 -
and to grant him the pay scale of skilled employee. In the meantime
seventeen other persons, similarly situated, moved the Tribunal by way
of O.A.No.158/1994. The Tribunal after hearing the parties disposed
of the said application with the following directions:

"i) We direct the respondents to take effective steps for obtaining the sanction of the President and concurrence of the concerned Ministries of the Government of India to declare the applicants in the Tailor grade as "skilled workers" and to grant them thereafter subject to the sanction, the skilled grade with effect from 9.11.1984 as prayed by them on the conditions contained in the Government letter dated 15.10.1984 as modified by the decision of the Government of India contained in the letter dated 19.3.1993.

ii) We direct the respondents to carry out the aforesaid exercise within a period of three months from the date of communication of this order and thereafter subject to the decision taken, to pay the arrears of pay and allowances to the respective applicants as may be found payable as a result of granting antedated skilled grade scale in accordance with the aforesaid guidelines, within a period of two months thereafter."

In terms of the aforesaid order Presidential sanction was issued and order to that effect was issued vide letter No.MC0/OS-20/785-LC/D(Civ.I) dated 15.10.1996 granting Skilled Grade to those seventeen applicants of the aforementioned O.A.

3. In the circumstances, the present applicant, since similarly situated, is also entitled for similar benefits.

4. The application is accordingly allowed. There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)



ankm

Attsted
Wson
Advocate

TRUE COPY
24/9/02
Section Officer (Judicial)
Central Administrative Tribunal
Lucknow Bench, Allahabad

- 64 -

ANNEXURE - N

SL. No. 304

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 196 of 1999.

Date of decision : This the 3rd day of May, 2001.

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

Hon'ble Mr. K.K.Sharma, Member (A).

Shri Ramdeo Shah,
Tent Mender,
working under the Commandant,
Advanced Based Ordinance Branch,
222, C/o 99 APO & 52 Ors.

...Applicants.

By Advocate Mr.S. Sarma.

-versus-

1. Union of India,
through the Secretary of Defence,
Government of India,
South Block,
New Delhi.
2. The Director General of Ordinance Service,
Master General of Ordinance Branch,
Army Headquarters,
New Delhi-110011.
3. Commandant,
Advanced Based Ordinance Branch,
222 C/o 99 APO.

....Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R (ORAL)

CHOIWDHURY J. (V.C.).

The applicants are 53 in numbers. All are working under Commandant, Advanced Based Ordinance Branch, 222 C/o 99 APO. They are serving in different categories of trades such as Mender, Rope Worker, Chuckler and Cycle Fitter under semi skilled grade. The common grievance of these applicants are the purported denial in placing the trade of the applicants into skilled trade and extending of skilled grade of Rs. 260-400/- from October 1981 in pursuance of Government of India's letter No. 3817/DS(O & M)/Civ-I/84 dated 15.10.1984. The applicants

Attested
Advocate.

agitated the matter before the concerned authorities and evoke any response moved the applicants before the Tribunal assailing the legitimacy of the action of the respondents.

2. The respondents submitted its written statement denying and disputing the claim of the applicants and supporting its action. Mr. A. Deb Roy, learned Sr. C.G.S.C. referring to the communication dated 15.1.1984 submitted that the cases were thoroughly examined by the respondents and thereafter took an appropriate decision. Mr. S. Sarma, learned counsel for the applicants brought to our notice the decision rendered by the Supreme Court in the case of Bhagwan Sahai Carpenter and Ors. VS. Union of India and Another reported in 1989 2 SCC 299 wherein Supreme Court issued writ of mandamus directing the Union of India- respondent no. 1 to extend the benefit of pay scale of skilled grade to those petitioners working as Carpenter, Masson, painter, Upholster, plumber, pipe fitter, etc. under skilled grade. Mr. S. Sarma, learned counsel for the applicants also brought to our notice to the decision rendered by this Tribunal in O.A. No. 158 of 1994

applicants who were working as Tailor as skilled worker.

though similar plea was taken by the respondents. Mr. S. Sarma further submitted that the decision rendered in the aforementioned O.A. was taken up to Supreme Court and the Supreme Court rejected the Special Leave Petition. On consideration of the factual matrix the applicants of this case are also similarly situated. Admittedly these applicants are rendering their respective services under the respondents more than 30 years. Some of the applicants joined the service on 4.4.1959 and some of them in the year 1961 save and except Shri Basumatari who joined in the year 1983. The applicants have put considerable length of service and obviously their services were found to be satisfactory. The working experience they have gained necessarily strengthen their case treating

Approved
L.S.M.
14/10/13

- 66 -

84

them eligible for skilled grade. We do not find any justifiable reason to deny the benefit of skilled grade and scale to the applicants. In the circumstances we allow the application with the following directions :

i. [The respondents are directed to take effective steps for getting the Presidential Sanction and concurrence of the concerned Ministries of the Government of India to declare the trades Tent Mender, Rope Worker, Chuckler, Cycle Fitter as skilled workers and provide the benefit thereafter subject to the sanction, the skilled grade with effect from 9.11.1984 as prayed for on the conditions contained in the Government letter dated 15.10.1984 as modified by the decision of the Government of India contained in the letter dated 19.3.1993.

ii. The respondents shall carry out the aforesaid exercise with utmost promptitude and at any rate within three months from the date of receipt of a certified copy of this order and thereafter subject to the decision taken, to pay the arrears of pay and allowances to the respective applicants as may be found payable as a result of granting antedated skilled grade scale in accordance with the aforesaid guidelines within a period of two months thereafter. The respondents are also directed to extend the said benefit to the applicants who have retired during the pendency of this application.

3. - The application is allowed to the extent indicated above. There shall, however be no order as to costs.

~~Certified to be true Copy~~

प्रमाणित प्रतिलिपि

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Section Officer (J)

माननीय अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-8
गुवाहाटी न्यायपीठ, गुवाहाटी-8

Attested

Advocate

प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदन को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
5/3/02	8/3/02	8/3/02	11/3/02	11/3/02

- 67 -

ANNEXURE 0

IN THE GAUHATI HIGH COURT
(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from
Civil Rule

W.P.C. No. 698 of 2002

The Union of India & others
Appellant
Petitioner

Versus

Sri Ramdeo San & others
Respondent
Opposite Party

Appellant Mr. Bipul Sarma
Petitioner Addl. C.G. & S. J.

Respondent
Opposite Party

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
7			

Attested
[Signature]
[Date]

80
- 68 -
2
- AND -

IN THE MATTER OF:

Union of India through the Secretary
of Defence, Government of India,
South Block, New Delhi through the
Director General of Ordnance Service,
Master General of Ordnance Branch,
Army Headquarters, New Delhi

Represented by

Commandant, Advanced Base Ordnance
Depot, 222, C/o. 99 APO.

... Petitioner

- VS -

1. Shri Ramdeo Sah, Tent Mender
2. Shri S.R. Joshi -do-
3. Shri P. Dhobi -do-

contd...3.

Attested
[Signature]
Advocate.

4. Shri P. Ram Harijan, Tent Mender
5. Shri Jasbahadur -do-
6. Shri P. Ram -do-
7. Shri Dhan Bahadur -do-
8. Shri Jogendra Sah -do-
9. Shri U.C. Bungrang -do-
10. Shri D. Rajkumar -do-
11. Shri Jamadar Mahto -do-
12. Shri Dhoz Bahadur Chetri -do-
13. Shri R.C. Thakur -do-
14. Shri N.D. Unish -do-
15. Shri Ram Shabit Rai -do-
16. Shri Ramji Yadav -do-
17. Shri Guljar Prasad -do-
18. Shri N.S. Ram -do-
19. Shri N.D. Ismail -do-
20. Shri S.C. Dey -do-
21. Shri S. Safi -do-
22. Shri ~~S. C. Dey~~ Dill Bahadur -do-
23. Shri P.C. Sarkar -do-
24. Shri Mangal Rai -do-
25. Shri K.P. Dusat -do-
26. Shri R. Thakur -do-
27. Shri Indiradeo Singh -do-
28. Shri Kalamuddin -do-
29. Shri S. Basumatary -do-
30. Shri Gopiram -do-
31. Shri S. Ali -do-
32. Shri Okil Rai -do-
33. Shri Id Mohammad -do-

contd....4

Attested
[Signature]
 Advocate.

34. Shri Ram Prit Rai Tent Mender
35. Shri Shivji Harijan -do-
36. Shri J.L.Upadhaya, Rope Worker.
37. Shri K.L.Upadhaya -do-
38. Shri J.N.Prasad -do-
39. Shri T.R.Sharma -do-
40. Shri S.S.Prasad -do-
41. Shri Ram Narayan -do-
42. Shri B.K.Joshi -do-
43. Shri Tek Singh + Chukler
44. Shri Shivial Ram -do-
45. Shri Jailal Ram -do-
46. Shri S.S.Singh -do-
47. Shri Narbahadur -do-
48. Shri A.N.Jha -do-
49. Shri K.D.Pandit -do-
50. Shri Baljnath Ram -do-
51. Shri K.Ansari -do-
52. Shri K.C.Mazumdar Cycle Fitter.
53. Shri T.W.Talukder -do-

... Respondents.

All are working under the

Attested
h. Don
Advocate.

Officer

Serial
No

Date

Office notes, Reports, Order or
proceeding with signature

W.P(C)NO.698/2002

BEFORE

HON'BLE THE CHIEF JUSTICE MR. R.S. MOHGAO
THE HON'BLE MR. JUSTICE ANILKUMAR ROY

06.02.2002

After hearing the learned counsel for the petitioner we find that only some directions were given by the Tribunal to the present writ petitioner (respondent before the Tribunal) which are to the following effect :

- (i) The respondents are directed to take effective steps for getting the Presidential Sanction and concurrence of the concerned Ministries of the Government of India to declare the trade Tent Mender, Rope Maker, Chuckler, Cycle Fitter as skilled workers and provide the benefit thereafter subject to the sanction, the skilled grade with effect from 9.11.1984 as prayed for on the conditions contained in the Government letter dated 15.10.1984 as modified by the decision of the Government of India contained in the letter dated 19.3.1993.
- (ii) The respondents shall carry out the aforesaid exercise with utmost promptitude and at any rate within three months from the date of receipt of a certified copy of this order and thereafter subject to the decision taken, to pay the arrears of pay and allowances to the respective applicants as may be found payable as a result of granting antedated skilled grade scale in accordance with the aforesaid guidelines within a period of two months thereafter. The respondents are also directed to extend the said benefit to the applicants who have retired during the pendency of this application.

The respondents before the Tribunal only required to move the case for Presidential sanction and concurrence of the concerned

Attested

Advocate

Officer or date	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	2	3	4

Ministries of the Government to declare certain trades mentioned in the directions as skilled workers. This does not mean that Presidential sanction must be granted or the concurrence by the concerned Ministries of the Government of India must be given. For valid and justifiable reasons they may decline the same. No case for interference with the directions has been made out. The writ petition is dismissed.

Faced with this situation, learned counsel for the petitioner submitted that the time granted to carry out directions may be extended. The time granted by the Tribunal to carry out the directions is extended for two months from to-day. However, this order of extension of time will be without prejudice to the proceedings, if any, which may have already been initiated under the Contempt of Courts

Act.

Amarendra Ray
Judge

R S Manglik
Chief Justice

communicate
11/11/55

1/ No 4155
11/5/55

CERTIFIED TO BE TRUE COPY
Krishna Kant Singh
Date *11/11/55*
Superintendent (Copying Section)
Gauhati High Court
Authorized G/S 16, Act I, 1972

Attested
11/11/55
11/11/55

- 73 - Regd with A/D

222 Agrim Sthai Ayudh Bhandar
222 Adv Base Ord Depot
C/O 99 APO


1509/Court case/OA-196/99/03/EST 16 May 2002

Shri Nipul Sarmah, Addl. CGSC
Gauhati High Court
Guwahati

WPC NO. 698/2002 FILED BY THE UNION OF INDIA
& OTHERS AGAINST THE JUDGEMENT ON OA 196/99
OF CAT, GUWAHATI

Sir,

1. A copy of Speaking Order dated 14 May 02 duly signed by Under Secretary to Govt. of India, Min of Defence (D-Civ 1) in connection with WPC No. 698/2002 is forwarded herewith.
2. You are requested to please advise further action/take immediate action to file Caveat.


(KK Manu)
Lt Col
Administrative Officer
for Commandant

Copy to:-


Shri Ram-deo Shah & Ors :- A copy of Speaking Order as quoted in Para 1 above is forwarded herewith.
Please acknowledge receipt.

✓ Shri Ujjal Kumar Goswami, Advocate
C/O Shri BK Sharma, Sr. Advocate
Santipur Main Branch Road
Guwahati.

1. Ref your letter dated 29 Apr 02

:- -----do-----

Attested


Advocate.

GOVERNMENT OF INDIA
Ministry of Defence
New Delhi,
the 14th May, 2002

To
The Petitioners in O.A. No.196/99

Sir,

The undersigned is directed to refer to the judgement dated 3rd May, 2001 given by the Hon'ble Central Administrative Tribunal, Guwahati Bench and to say that the matter has been considered as directed by the Hon'ble Tribunal and you are informed as follows :

2. As a result of the recommendations of the third pay commission, an Expert Classification Committee was constituted for classifying Industrial category of jobs as well as certain Non-Industrial category of jobs in Defence establishments. The Expert Classification Committee (ECC) which was chaired by a retired High Court judge, constituted of representatives from the Department of Defence Production, the Services, the Ministry of Finance(Defence), as well as two representatives from the Workers Federations. The jobs were studied by the ECC and evaluated according to the Point Rating Method of job-evaluation which takes into account several factors such as education, experience and training, job-skill, physical, mental and visual efforts, working conditions and hazards as well as responsibility for material, machinery and other's work and safety etc. Based on the recommendations of the ECC, the Govt. classified the jobs into five categories as Unskilled, Semi-skilled, Skilled, Highly-Skilled Grade-II and Highly-Skilled Grade-I. This was given effect to from 16-10-81 vide Govt. letter No.1(2)/80/D(ECC/IC) dated 11th May, 1983. Your trade was granted the semi skilled grade.

Attested

hda
ocate.

3. Subsequently, an Anomalies Committee consisting of members from the official side and the representatives of the Workers Federations was constituted to look into the anomalies arising out of the implementation of the recommendations of the ECC. [The Anomalies Committee upgraded certain trades granted semi-skilled grade by the ECC, and which fell within its purview in accordance with its terms of references, to the skilled grade. The recommendations of the Anomalies Committee were given effect to vide Govt. letter No. 3817/DS(O&M)/Civ-I/84 dated 15-10-84. The Anomalies Committee too did not grant the skilled grade to your trade.

4. Shri Bhagwan Sahai, Carpenter and others, whose trades had been upgraded to skilled grade from semi-skilled grade vide Govt. letter dated 15-10-84 in accordance with the recommendations of the Anomalies Committee, had taken to litigation claiming skilled grade with retrospective effect from 16-10-81. The Supreme Court, in its verdict dated 15th March 1989 in the Bhagwan Sahai & Ors. case (W.P. Nos.12259 to12266) had directed that the petitioners be granted the skilled grade w.e.f. 16th Oct. 1981. Based on this judgement of the Supreme Court, all the trades which had been granted the skilled grade from semi-skilled grade in terms of the Govt. letters dated 15-10-84 were given the benefit of the pay scale of the skilled grade w.e.f. 15-10-81. This was done vide Govt. letter No.17(5)/89-D(Civ.I) dated 19th March, 1993. As your trade was not covered in terms of the Govt. letter dated 15-10-84, the letter dated 19th March, 1993 does not apply to your trade.

5. The Fourth and Fifth Pay commissions, also expert bodies, too did not recommend the skilled grade to your trade. It may be noted that the Pay Commissions take into consideration the representations of individuals as well as Workers' Federations before giving their recommendations.

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6. You seem to be aggrieved by the fact that some of the trades which used to be placed in the same scale as your trade, before the implementation of the ECC recommendations, have been granted skilled grade by the ECC/Anomalies Committee. In this context, the following extract from the Supreme Court's Order in Shri S. Thiruvalluvan & Ors. v/s UoI case is relevant :

If on job-evaluation it was found that the job rating for a given category is higher but they were in the lower scale for want of job-evaluation, they would have to be rushed up to the higher scale. That is what justice demands. The Tribunal has, therefore, rightly come to the conclusion that the pay-scale allotted to each category of employees on the basis of points given by the ECC as a result of job-evaluation cannot be termed as arbitrary.

7. As far as granting of the skilled grade to the petitioners in O.A. No. 158/94, filed in CAT, Guwahati, by Shri N.M. Paul & Ors. who were working as tailors in 222, ABOD is concerned, it is pointed out that the order was in respect of tailors and did not concern your trade.

8. In view of the above, it is not possible to grant skilled grade to your trade.

Yours faithfully

Piara Ram
(Piara Ram)

Under Secretary to the Govt. of India.

W.D.
12/11/94

- 77 -

No. MGO/OS-20/785-LC/D(Civ, I)
Government of India,
Ministry of Defence,
New Delhi, the 15th Oct., 1996.

05

ANNEXURE- 77 Q

To: The Chief of the Army Staff.

Subject: Implementation of CAT Guwahati Bench Judgement dated 19.10.95 in OA No. 158/94 -
Shri Nripendra Mohan Paul and 16 others,
working as Tailors in Ordnance Branch,
222 Army Post Office C/o 99 Versus
Union of India and Others.

Sir,

I am directed to refer to the aforesaid order and judgement of the Hon'ble CAT Guwahati Bench and to convey the sanction of the President granting the skilled grade of Rs. 260-400 from 16.10.81 revised to Rs. 950-1500 from Rs. 1.86 to the 17 petitioners who are working under the Commandant Advanced Base Ordnance Branch, 222 Army Post Office C/o 99. The arrears of payment will be accounted as charged expenditure for which separate sanction will be issued in due course after working out the arrears. The payment will however be made subject to outcome of Review Application proposed to be filed in the Supreme Court.

2. This issues with the concurrence of Finance Division vide their U.O. No. 650-AG/PB/96 dt. 11.10.96 and in consultation with Ministry of Finance vide their U.O. No. C-309/IC/96 dt. 11.10.96.

Yours faithfully,

(C.A. Subramanian)
Under Secretary to the Govt. of India
Tele. 3014575.

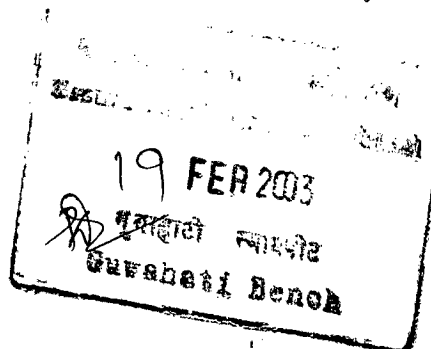
Copy to:-

OS Dte./OS-20

CDA concerned (copy signed in ink)

MG AOC, Eastern Command; AOC (Record), Secunderabad
Army HQ OS-8C, AG Branch, AFA(O-1A)/AFA(AG), Comdt 222 ABOD
Min of Def/D(Civ-I)

Attested
1800
Advocate



Filed by

18/2/03
(A. DEBROY)
Sr. C. S. J.
C. A. T. Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI.

O.A. NO. 322 OF 2002

Shri Ram Deo Shah & Others

- Vs -

Union of India & Others.

In the matter of :

Written Statements submitted by
the respondents

The humble respondents beg to submit the
written statement as follows :

1. That with regard to the statement made in para 1 of the application the respondents beg to state that Ministry of Defence had not considered the upgradation of trades like Tent mender, Rope Worker Chuckler and Cycle fitter from Semi-skilled to skilled grade, based on the anomalies/expert committee. Govt. of India, Ministry of Defence vide letter no. 3817/DS (O&M)/Civ-1/84 dated 15 Oct 1984 and Army Headquarters letter No. B/13010/Fitment/OS-8C (ii) dated 29 Sep 88 and subsequently Ministry of Defence vide letter dated 14 May 2002 *and marked as Annexure No. 1* (photocopy attached,) had communicated their inability to grant skilled grade to the above trades, and as such, the applicants of the instant OA could not be placed in the skilled grade with the higher scale of pay i.e. Rs. 260-400/- with effect from 16 Oct, 1981 as prayed by the applicants. It may be mentioned that Ministry of Defence vide letter dated 14 May 2002, had

enumerated all the grounds of rejection for upgradation to the skilled grade to the ibid trades. Further, it may be mentioned that the prayer made by the applicants is against the policy of Govt. and as such the Ministry of Defence could not grant skilled grade to the trades mentioned above. It is stated that Assistant Labour Commissioner (Central) closed the case due to the pendency of a similar court case in the Hon'ble Supreme Court.

Although the applicants of the instant OA had submitted representation after dismissal of Court case by the Hon'ble Supreme Court. The commandant of the depot cannot consider the upgradation in respect of the applicants to the "Skilled Grade" due to policy constraints of the Ministry of Defence, in placing them into the skilled grade. As regards ~~that~~ to the remaining part of the statement made in para 1, it is stated that the same are matters of record and nothing beyond record is admitted.

2. That with regard to the statement made in paras 2 & 3 of the application, it is stated that matter relates to the provisions of the Administrative Act, 1985 and rules made there under, accordingly save, what appears there from, the respondents beg to offer no comments.

3. That with regard to para 4.1 of the application the respondents beg to offer no comments.

4. That with regard to the statement made in para 4.2, of the application, the respondents beg to state that it is the applicants of the instant OA, are presently working in

222 ABOD, C/O 99 APO, under Army Ordnance Corps Records and not under Military Engineering Service as mentioned in the para. Regarding the remaining part of the statement no comments are offered please.

5. That with regard to the statement made in para 4.3, of the application the respondents beg to state that the Govt of India has not yet upgraded the trades as mentioned in the para to the skilled grade and the same was communicated through Ministry of Defence letter dated 15 Oct, 1984 and Army Headquarters letter dated 29 Sep 88 and Min. of Defence letter dated 14 May 2002, as mentioned above. Since the Ministry of Defence has not yet considered upgradation of the trades like Tent mender, Rope Worker, Chuckler and Cycle fitter to the skilled grade based on the recommendation of the Anomalies/Expert Committee, the applicants of the instant OA, could not be upgraded with the higher scale of pay of Rs. 260-400/- with effect from 16 Oct, 1981.

6. That with regard to the statement made in para 4.4 of the application the respondents beg to state that the same is matter of record. Nothing beyond record is admitted.

7. That with regard to the statement made in para 4.5, of the application the respondents beg to offer no comments.

8. That with regard to the statement made in paras 4.6 & 4.7 of the application the respondents beg to state that the same are matters of record and nothing beyond record is admitted.

9. That with regard to the statement made in para 4.8, of the application the respondents beg to state that same are matters of record and nothing beyond is admitted. Regarding the later part of the statement no comments are offered please.

10. That with regard to the statement made in para 4.9, of the application the respondents beg to state that due to policy constraints, the applicants of the instant OA Could not be upgraded to the skilled category with the higher scale of pay of Rs. 260-400/- w.e.f. 16.10.1981 revised to Rs. 950-1500/- from 01.01.1986.

11. That with regard to the statement made in paras 4.10, 4.11 & 4.12 of the application the respondents beg to state that Higher Headquarters have not so far placed the applicant's trades to the "Skilled Grade", by considering the nature of job, skill and proficiency required in performing the job, It is admitted that certain trades other than the trades of the instant applicants, were upgraded to the skilled category by the Central Govt, based on the recommendation of the expert/anomalies committee. But the applicants trades were not upgraded.

12. That with regard to the statement made in para 4.13, of the application the respondents beg to state that since the Central Govt. had not so far been upgraded the trades to which the applicants belong, so the same was communicated by this depot authorities through letter dated 15 Feb 1996 to the Asstt. Labour Commissioner, Guwahati-3.

-5-

13. That with regard to the statement made in para 4.14, of the application the respondents beg to state that since the Central Govt. had not so far been upgraded the trades to which the applicants belong, so the same was communicated by this depot authorities through letter dated 15 Feb 1996 to the Asstt. Labour Commissioner, Guwahati-3.

14. That with regard to the statement made in para 4.15, of the application the respondents beg to state that the discussion/cancellation was closed after having heard the representatives of employer and employee.

15. That with regard to the statement made in para 4.16, of the application the respondents beg to state that even after the disposal of the SLP by the Hon'ble Supreme Court, no step was taken by the Central Govt. to upgrade the trades to which the applicants belong and as such the depot authorities could not consider the matter of upgradation to the skilled grade.

16. That with regard to the statement made in para 4.17, of the application the respondents beg to ~~state that~~ offer no comments. As regards to the later part of the para the respondents requested to refer to our preceding paras.

17. That with regard to the statement made in para 4.18, of the application the respondents beg to state that the same are matters of record. Nothing beyond record is admitted.

18. That with regard to the statement made in para 4.19, of the application the respondents beg to offer no comments.

19. That with regard to the statement made in para 4.20, of the application the respondents beg to state that Ministry of Defence had not granted skill grade to the trades of the applicants considering the nature of work done by them, Granting of skill grade to the applicants ~~is~~ against the policy of Govt as such the directions given by the Tribunal could not be complied with. Further respondents requested the Hon'ble Tribunal to refer to our preceding paras.

20. That with regard to the statement made in para 4.21, of the application the respondents beg to state that Union of India and others had filed Writ Petition(C) No. 698/02 in the Hon'ble Guwahati High Court and the ^{Court} dismissed the same with the direction to take presidential sanction and concurrence of the Govt. to declare certain Trades mentioned in the directions as skilled workers. Further, the Hon'ble High Court has stated in the judgement that "this does not mean that Presidential Sanction must be granted or the concurrence of the concerned Ministries of the Government of India must be given. For valid and justifiable reasons they may decline the same.

21. That with regard to the statement made in para 4.22, of the application the respondents beg to state that Hon'ble High Court to refer to our preceding paras.

22. That with regard to the statement made in para 4.23, of the application the respondents beg to state that it is not admitted as the same is devoid of merit. Regarding the later part of the statement made in the *ibid* para, no comments are offered please.

23. That with regard to the statement made in para 4.24, of the application the respondents beg to state that applicants prayer for grant of "Skilled Grade" could not be considered due to policy constraints as well as due to the non-induction of fresh categories of workers to the "Skilled Grade" as that of the trades to which the applicants belong, by the Central Govt., after carefully examining the nature of work performed by them. Ministry of Defence vide letter dated 14 May 2002 communicated its inability of upgrade the trades to which the applicants belong with the higher scale of pay Rs. 260-400/-pm w.e.f. 16.10.1981 which was revised to Rs. 950-1500/- w.e.f. 1.1.1986 due to policy constraints.

24. That ~~the~~ with regard to the statement made in para 4.25, of the application the respondents beg to state that it is not admitted since there is devoid of merit. For not granting of "Skilled Grade" to the applicants, the respondents requested the Hon'ble Tribunal to refer to our preceding paras.

25. That with regard to the statement made in para 4.26 of the application the respondents beg to state that is denied being ~~devoid~~ devoid of merit. Regarding the remaining part of the statement/contention the respondent requested the Hon'ble Tribunal to refer to our preceding paras.

26. That with regard to the statement made in para 4.27, of the application the respondents beg to state that the respondents beg to offer no comments ~~and~~ The respondents denied the allegations made by the applicant in the remaining part of the statement.

27. That with regard to the statement made in para 5.1, 5.2 and 5.3 of the application the respondents ~~denied~~ the same being devoid of merit.

28. That with regard to the statement made in para 5.4 of the application the respondents beg to ~~state that~~ offer no comments. The respondents denied the allegations made by the applicants in the later part of para 5.4.

29. That with regard to the statement made in para 5.5 of the application the respondents beg to state that it is not admitted, since the prayer made by them for upgradation of trades to the skilled grade is against the policy of the Govt. The case reference of the Supreme Court given by the applicant in the para might be of different perspective and hence no comments is offered please.

30. That with regard to the statement made in para 5.6, of the application the respondents beg to state that ~~the~~ directions given by the Hon'ble Tribunal in OA 158/94, the status of Tailors working in this depot were upgraded to the skilled grade considering the nature of work and skill and proficiency required in performing the job. The applicant's trade need not require so much skill and proficiency as that the Tailors, as such the prayer made by the applicants through the para cannot be considered at this stage.

31. That with regard to the statement made in para 5.7, of the application the respondents beg to state that it is not admitted being devoid of merit. In fact the applicants have

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repeated their ~~versions~~ in different forms and due to their ignorance of the policy matter of Govt. of India, Ministry of Defence, the applicants seems to have filed the ibid OA in CAT, Guwahati to malign the image of the organisation.

32. That with regard to the statement made in para 5.8, of the application the respondents beg to state that it is totally denied as the Ministry of Defence vide letter dated 14 May 2002, rejected the upgradation ^{to} the skilled grade as per the policy of the Govt.

33. That with regard to the statement made in para 5.9, of the application the respondents beg to state that is not understood as the matter has already been explained in the proceeding paras stating the reasons for rejection to the skilled grade to applicants in the Ministry of Defence letter dated 14 May 2002.

34. That with regard to the statement made in para 5.10 of the application the respondents beg to state that for setting aside the order issued by Ministry of Defence dated 14 May 2002 is not understood and hence denied.

35. That with regard to para 6 of the application the respondents beg to offer no comments.

36. That with regard to para 7 of the application the respondents beg to state that the same are matters of record. Nothing beyond record is admitted.

37. That with regard to the statement made in para 8 and 8.1 of the application the respondents beg to state that Ministry of Defence vide letter dated 14 May 2002, communicated its inability to upgrade the trades to which the applicants belong duly stating the reasons for rejection thereon.

38. That with regard to the statement made in para 8.2, of the application the respondents beg to state that it is reiterated that Ministry of Defence had not considered the upgradation of trades like Tent Mender, Rope Worker, Chuckler and Cycle fitter from semi skilled to skilled grade based on the recommendation of the anomalies/export committee. Govt of India, Ministry of Defence vide letter dated 14 May 2002, had communicated their inability to upgrade the above trades and as such, the applicants of the instant OA could not placed in the skilled grade with the higher scale of pay i.e.

Rs. 260-400/- with effect from 16 Oct 1981 revised to Rs.950-1500/- from 01 Jan 1986. In view of the foregoing, the prayer made by the applicants, requesting for setting aside the Ministry of Defence letter dated 14 May 02 is totally unjust, improper, unfounded, malafide and devoid of merit of the case. The contention expressed in the para is totally denied. The OA is liable to be set aside and Quashed with cost.

Verification.....

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V E R I F I C A T I O N

I, Shri Col M. Rajgopal, presently working as Commandant, 222 ABOD, 4099AB being duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para 2 to 38 are true to my knowledge and belief and those made in para / 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 fact.

And I sign this verification on this 5th day of February, 2003.

Declarant.

M. Rajgopal
Colonel
Commandant

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(1481)

109

No. 3317/DS(GM)/Civ-I/84
Government of India
Ministry of Defence
New Delhi, the 15th October, 1984.

To

The Chief of the Army Staff
New Delhi

Subject:- Fitment of industrial workers of A O C in
pay-scales recommended by the Third Pay Commission.

Sir,

Pased on the decisions taken by the Government on the
unanimous recommendations of the Anomalies Committee I am
directed to convey the sanction 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) :-

Sl.No.	Job Title	Existing Scale	Revised Scale
(1)	Book-Binder	Rs. 210-290	Rs. 260-40
(2)	Empt & Root Repairer/Vob Repairer/Root Maker/Saddler	-do-	-do-
(3)	Leather stitcher	-do-	-do-
(4)	Engine Driver	-do-	-do-
(5)	Upholsterer	-do-	-do-

These orders supersede the earlier orders in regard to
fitment of the above categories of workers in the relevant
scales of pay from the date of issue of this letter.

Fresh induction to the trades listed in (1) above
shall be from -

- (a) semi-skilled categories to be identified by you
or feeder categories in the pay-scale of Rs.
210-290 already existing under the present
recruitment rules, subject to the workers having
rendered a minimum of three years' service in the
grade and after passing the prescribed trade
tests, and

(b) direct recruits with IIT certificate/Ex-trade Apprentices/NCTVT etc. inducted in the semi-skilled grade, who have rendered 2 years service in that grade.

(ii) Provision/introduction of Highly Skilled Grade II (Rs. 330-480) and Highly Skilled Grade I (Rs. 380-560) for common category jobs listed in Annexure I classified as 'Skilled' depending on the functional requirement of highly skilled jobs, in the following manner as a bench-mark percentage:-

(a) Highly skilled grade I (Rs. 380-560)	15% →
(b) Highly skilled grade II (Rs. 330-480)	20% →
(c) Skilled grade (Rs. 260-400)	65%

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

2. These orders will take effect from the date of issue.

3. The expenditure involved shall be debitable to the respective Head of the Defence Services Estimates.

4. This issues with the concurrence of the Ministry of Defence (Finance Division) vide their inter departmental No. 1755/Dir (Af/Equip) of the 15th October, 1984.

Yours faithfully,

Rama Krishna

(RAMA KRISHNA)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

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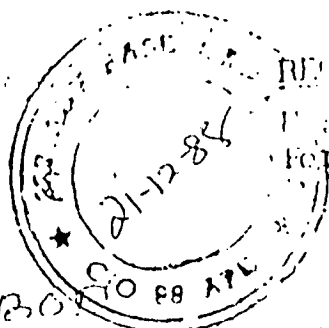
Fin Division

DDA (AG)

v/Fin/Implementation

Dir (C)

Tei : FW 269



Headquarters Eastern Command
Fort William, Calcutta - 21

Nov '88

List 'B'

FITMENT OF INDUSTRIAL WORKERS IN PAY SCALES RECOGNISED BY THE THIRD PAY COMMISSION - ANOMALIES

1. Refer to this HQ letter No 321530/P/OS-20 dt 10 Mar 86.
2. A Copy of Army HQ letter No B/13010/Fitment/OS-8C(ii) dt 29 Sep 88 is forwarded herewith for your information.

File No	
DO	
DO OF EST	
DO OF FIN	

SK Shukul
Lt. Col.
IAIOS (Adm)
for MG AOC

Copy of Army HQ letter No B/13010/Fitment/OS-8C(ii) dt 29 Sep 88 on the above subject

1. Reference Min of Def letter No 3817/DS(O&M)/Civ-I/84 dated 15 Oct '84.
2. A number of representations from Commands/Depots have been received that the following skilled categories should also be considered for promotion to HS-II and HS-I as per the categories mentioned in Annexure I to Min of Def letter under reference, wherein only 12 categories (Skilled) have been mentioned for upgradation to HS-II & HS-I.
(a) Sawyer (b) Printer (c) Composer (d) Type-writer Mechanic (e) Packer (Special) (f) Book Binder (g) Upholsterer (h) Saddler (j) Leather Stitvher.

3. A case was taken up with Min of Def for inclusion of the categories at (a) to (j) at para 2 above for promotion to HS-II & HS-I.

4. Min of Def have clarified that the orders dated 15 Oct 84 have prescribed therein the jobs which find their names in the Annexure are alone entitled for the benefit and not others.

5. You are, therefore, requested to bring the above decision of Min of Def to the notice of all concerned.

Sd/-xxxxxxxxxxxxxx
(NS Mainaz)
Col.
Dir (OS Pers)
for IGOS