

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES,1990)

**INDEX**

W.A/T.A No. 76/2006

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM NO. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Org. App/ Misc. Petn/Cont. Petn/ Rev. Appl.

In O.A. 76/2004

Name of the Applicant(s) Sri K. Paul & Ors.

Name of the Respondent(s) U.O.I & Ors.

Advocate for the Applicant Mr. A. Ahmed

Counsel for the Railway/ C.G.S.C. A.K. Chaudhury

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
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26.3.2004

Heard Mr. A. Ahmed, learned counsel for the applicant and also Mr. A.K. Chudhury, learned Addl. C.G.S.C. for the respondents.

The application is admitted, call for the records. Issue notice to the parties. Returnable by four weeks.

List on 27.4.2004 for orders. Meanwhile, no recovery shall be made from the applicant till the returnable date.

*[Signature]*  
Member (A)

mb

27.4.2004

On the plea of counsel for the respondents four weeks time is allowed to the respondents to file written statement. List on 28.5.2004 for orders.

Interim order dated 26.3.2004 shall continue.

*[Signature]*  
Member (A)

mb

No. 378795

Date 23-3-04

*[Signature]*  
Dy. Registrar

*[Signature]*  
25/3/04

Steps taken by the applicant.

*[Signature]*  
25/3/04

for copy.

*[Signature]*  
26/3/04

Notice & order dt. 26/3/04 sent to D/Section <sup>For</sup> issuing to respondents nos 1 to 5.

*[Signature]*  
2/4/04.

Order dt- 27/4/04  
sent to D/S for  
issuing to both  
the parties.

28.5.2004

On the prayer of learned  
counsel for the respondents four  
weeks time is given to the  
respondents to file written  
statement. List on 1.7.2004 for  
orders. Interim order dated  
26.3.2004 shall continue.

*[Signature]*  
Member (A)

mb

5.8.2004

Four weeks time is given to the  
respondents to file written statement.  
7.9.2004 for orders.

*[Signature]*  
Member (A)

mb

7.9.04.

Four weeks time is allowed to the  
Respondents to file written statement.  
List on 22.9.04 for filing of  
written statement and further orders.

*[Signature]*  
Member

23.9.04

W/s filed by the  
Respond Nos. 1, 2, 3, 4 & 5.

lm

22.9.04.

The learned counsel for the parties  
is present.

Mr. A.K. Choudhury, Addl. C.G.S.C.  
has been filed the written statement  
to-day. The applicant may file rejoinder  
in case <sup>he</sup> they so desires, if any.  
The matter be listed on 18th Nov. 2004.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

lm

15.12.2004

Division Bench not available. Hence,  
adjourned to 12.3.2005.

*[Signature]*  
Vice-Chairman

bb

~~6/5/04.~~  
A/D card return  
from respondent  
Nos 2, 3, 5, 4.

~~31/5/04.~~

~~4-8-04~~  
Notice duly served on  
R-No 2, 3, 4, 5.  
No W/S has been filed.

*[Signature]*

~~14.12.04~~  
Notice duly served on  
R-no. 2, 3, 4 & 5  
W/S. has been filed.

*[Signature]*

~~15.3.05~~  
No Rejoinder has been  
filed.

*[Signature]*

Notes of the Registry Date Order of the Tribunal

16.03.2005

present; The Hon'ble Mr. Justice G. Sivaraman, Vice-Chairman  
The Hon'ble Mr. K. V. Prahladan, Member (A).

Mr. A. Ahmed, learned counsel for the applicant has informed that he will be out of station till 18.3.2005.

Post on 1.4.2005 for hearing.

*K. V. Prahladan*  
Member

*G. Sivaraman*  
Vice-Chairman

bb

01.04.2005

No Division Bench. Adjourned to 2.5.2005 for hearing.

*G. Sivaraman*  
Vice-Chairman

mb

Service Completed.

27.5.05.

Post the matter on 15.6.05.

*K. V. Prahladan*  
Member

lm

15.6.2005

Mr. A. Ahmed, learned counsel for the applicant seeks adjournment. Post on 25.7.2005.

*K. V. Prahladan*  
Member

*G. Sivaraman*  
Vice-Chairman

mb

25.7.2005

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

The O.A. is disposed of in terms of the order.

*K. V. Prahladan*  
Member

*G. Sivaraman*  
Vice-Chairman

bb

*3/3/05*  
*No-Resignation-  
seen filed.*  
*sk*

*9.8.05*  
*Copy of the Judgment  
has been sent to the  
Office for filing the  
same. The applicant has  
post and to the add.  
C.G.C. for the Respon.  
sk*

*R*  
*sk*  
*9/9/05*

Notes of the Registry Date Order of the Tribunal

Notes of the Registry	Date	Order of the Tribunal
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[Faint, illegible text]	[Faint, illegible text]	[Faint, illegible text]
[Faint, illegible text]	[Faint, illegible text]	[Faint, illegible text]
[Faint, illegible text]	[Faint, illegible text]	[Faint, illegible text]
[Faint, illegible text]	[Faint, illegible text]	[Faint, illegible text]
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**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.**

O.A. No. 76 of 2004.

DATE OF DECISION: 25.07.2005

Shri Kamalendu Paul & 17 Others

APPLICANT(S)

Mr. A. Ahmed

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr. A. K. Chaudhuri, Addl.C.G.S.C.

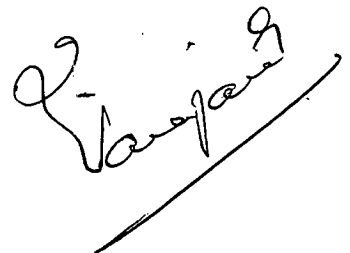
ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 76 of 2004.

Date of Order: This, the 25th Day of July, 2005.

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Shri Kamalendu Paul  
P/No.6967166  
Senior Gangman
2. Shri Akan Chandra Baruah  
P/No.6966601  
Senior Gangman
3. Shri Golab Prasad  
P/No.6967101  
Senior Gangman
4. Shri Dhareswar Das  
P/No.27722  
Senior Gangman
5. Shri Nirmal Chandra Boro  
P/No.27743  
Senior Gangman
6. Shri Ganesh Bahadur Darjee  
P/No.6966936  
Senior Gangman
7. Shri Jogesh Chandra Mazumdar  
P/No.27966  
Chargeman
8. Shri Dokai Barman  
P/No.28009  
Chargeman
9. Shri Lokendra Hazarika  
P/No.28021  
Chargeman
10. Shri Ram Prasad Singh  
P/No.28061  
Chargeman
11. Shri Shiv Narayan Srivasthava  
P/No.28153  
Chargeman
12. Shri Ram Aserey

- P/No.28136  
Chargeman
13. Shri Ram Prakash  
P/No.28163  
Chargeman
14. Shri BB Chakate  
P/No.28151  
Chargeman
15. Shri Khagesh Chandra Bhattacharjee  
P/No.28038  
Chargeman
16. Shri Mahendra Kumar Rabha  
P/No.28012  
Chargeman
17. Shri Kandarpa Mahan Das  
P/No.6967498  
Senior Chargeman
18. Shri Shyam Bahadur  
P/No.27696  
Senior Chargeman.

..... Applicants.

The applicant Nos.1 to 16 are working under the Commandant 222 Advance Base Ordnance Depot C/o 99 APO and the applicant nos. 17 to 18 are working under the Officer Commanding 41 Vehicle Coy C/o 99 APO.

By Advocate Mr. A. Ahmed.

- Versus -

1. The Union of India  
Represented by the Secretary  
to the Government of India  
Ministry of Defence  
South Block, New Delhi -1.
2. The Director General of Ordnance Service  
Master General of the Ordnance Service  
Army Head Quarter  
P.O: D.H.Q., New Delhi - 110 011.
3. The Officer in Charge  
Army Ordnance Corps Record Office  
Post Box No.3  
P.O: Trimulgherry Secunderabad  
Pin - 500 015.
4. The Commandant 222 Advance Base Ordnance  
Depot C/o 99 APO.

5. The Officer Commanding 41 Vehicle Coy  
C/o 99 APO.

.... Respondents.

By Mr. A. K. Chaudhuri, Addl. C.G.S.C.

**ORDER (ORAL)**

**SIVARAJAN, I.(V.C.) :**

The applicants, 18 in number, are Senior Chargeman/Chargeman under the respondents. They were holding the pre-revised scale of Rs.1400-2300/-. The Vth Pay Commission had made various recommendations including the one regarding the Technical Supervisory Staff in Ministry of Defence in para 54.45, 63.252, 63.302 and 63.303. The Government had accepted the recommendation to introduce 4 grade structures for the Technical Supervisory category in defence establishments in the ratio of 35:25:25:15 for Chargeman Grade-II, Chargeman Grade-I, Assistant Foreman and Foreman respectively. The sanction of the President is conveyed for authorization of the revised pay scale and the grade structure as indicated in Annexure-C letter dated 26.12.2001. Pursuant to this, the applicants who were having the pay scale of Rs.1400-2300/- were given replacement scale of pay of Rs.5000-8000/- w.e.f. 1.1.1996. Their designation was also changed to Chargeman-II in the pay scale of Rs.5000-8000/- (vide communication dated 23.8.2002, Annexure-E). The applicants were happy with this. However, the third respondent issued a communication dated 22.12.2003, Annexure-J with enclosures (Ministry of Defence note and communication dated 10.12.2003 and the Army HQ) by which the replacement scale of pay of the applicants has been modified as Rs.4500-125-7000/-. The applicants are aggrieved by the same.



According to them, when the respondents had accepted the recommendation of the Vth Pay Commission report and they had implemented the same by granting the replacement scale of pay of Rs. 5000-8000/-, there was no justification in reducing the replacement scale to Rs.4500-7000/- by the Army HQ.

2. The respondents have filed a written statement. Para 2 of the said written statement reads as follows:

"That with regard to the statement made in paragraph 1 of the application, the respondents beg to state that AOC (R) Secunderabad through letter No.29860/Prom/Tech/Vil-81/CA-6 dated 22nd December, 2003 has forwarded the copy of Army Hq letter No.A/26576/Tech-Super/os-20 dtd.10th December, 2003 where in replacement scale Rs.4500-125-7000 has been granted to Charge man (PT- I & II Cadre). Army HQ in consultation with the MOD, Govt. of India has modified the pay scale of Charge man (Pt.I & II Cadre) as Rs.4500-125-7000/- and as such the ibid replacement pay scale will be applicable to the applicants. Further, it is stated that Army HQ vide ibid letter dated 10th December, 2003 has superseded all the previous correspondence in connection with the grant of replacement pay scale to the applicant and modified the replacement pay scale as Rs 4500-125-7000/-. AOC(R) Secunderabad vide letter No.29860/Prom/B/Tech/Vol-83/DA-6, dtd. 20<sup>th</sup> March, 2004 has communicated that replacement pay scale of Rs.4500-125-7000/- is applicable to Tech supervisory staff and the pay scale of Rs.5000-8000/- will be made applicable to tech supervisory staff only on implementation of restructuring of four grade structure. The contention expressed in the Para-1 of the application is totally denied."

3. We have heard Mr. A. Ahmed, learned counsel for the applicants and Mr. A. K. Chaudhuri, learned Addl.C.G.S.C. appearing for the respondents. Mr. Ahmed submitted that the reduction in the scale of pay from Rs.5000-8000/- to Rs.4500-7000/- is highly arbitrary and without justification. He submitted that in this case the recommendation made by the Pay Commission was accepted by the

President. He also pointed out that the Principal Bench of the Tribunal had admitted O.A. No.285/2004 and granted interim stay. He further submitted that the matter is now pending before the Principal Bench of the Tribunal. Mr. A. K. Chaudhuri, learned Addl.C.G.S.C. submits that the second respondent had wrongly implemented the Government order regarding replacement scale. He further submits, based on the averments made in the para 2 of the written statement, that the replacement scale of pay of Rs.5000-8000/- can be given only on fulfillment of pre-conditions recommended by the Vth Pay Commission and after the cadre restructuring re-distribution of posts etc. He also submits that the replacement scale of Rs.5000-8000/- will be applicable to the Technical Supervisory Staff only on implementation by restructuring of 4 grade structures. He accordingly submitted that the impugned order is legal and valid.

4. We have considered the rival submissions. We find that the only grievance of the applicants is against the reduction of the replacement scale from Rs.5000-8000/- to Rs.4500-7000/-. Admittedly, this replacement pay scale of Rs.5000-8000/- was given to the applicants by an order passed by the second respondent. However, on the basis of the Government note it has come out that the replacement scale of Rs.5000-8000/- can be given to the Technical Supervisory Staff only after the fulfillment of pre-conditions, if any, and after restructuring of the 4 grades. In the instant case restructuring of the 4 grades has not been implemented in full. Hence, as noted in the letter dated 10.12.2003 issued by the second respondent, the applicants who are Chargeman (Pt. I, II cadre) are entitled to the replacement scale pay of Rs.4500-125-7000/- only. Mr.



Chaudhuri is not in a position to say as to whether the restructuring is already made.


5. Taking into account all the circumstances of the case we dispose of the present O.A. as follows:


As already noted, the applicants cannot claim replacement scale of Rs.5000-8000/- until and unless the restructuring of the 4 grades is implemented. Admittedly, the restructuring of 4 grades is not seen implemented. In the circumstances, the applicants are entitled to replacement scale of Rs.4500-7000/- noted in the communication dated 10.12.2003 issued by the second respondent which is enclosure to Annexure-J. Hence, we do not find any illegality in the impugned order. Of course, the question of restructuring of the grades is pending and the respondents have clearly stated that the pay scale of Rs.5000-8000/- to the Technical Supervisory Staff would be given only on implementation of restructuring of 4 grades structure. In the circumstances, if the restructuring of 4 grades structure have not so far been implemented, the same will be done, having regard to the fact that it has got application through out the country, within a period of six months from the date of receipt of this order. Respondents have given the applicants replacement scale of Rs.5000-8000/- w.e.f. 1.1.1996 of their own. There was no misrepresentation or any fraud committed by the applicants. In the circumstances, it would not be fair and proper, particularly at this point of



time and in view of the fact that no decision is taken for the implementation of restructuring of 4 grades structure, to recover the excess payment from the applicants. So we direct the respondents not to recover the excess payment on account of grant of replacement scale of Rs.5000-8000/- until a final decision is taken by the respondents in the matter of implementation and restructuring of 4 grades. It is open to the applicants to make representation before the concerned respondent regarding waiver of the recovery of the excess amount paid within a period of one month from today. If any such representation is made, the concerned authority will consider the question of waiver of the excess collection taking into account all the circumstances including the decisions of the Hon'ble Supreme Court on this point.

The O.A. is disposed of as above.

  
 ( K.V.PRAHLADAN )  
 ADMINISTRATIVE MEMBER

  
 ( G.SIVARAJAN )  
 VICE CHAIRMAN

BB

25 MAR 200

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 76 OF 2004.

BETWEEN

Shri Kamalendu Paul & Others

-Applicants

-Versus-

The Union of India & Others

-Respondents

**LIST OF DATES AND SYNOPSIS**

Annexure-A is the photocopy of such recommendation.

Annexure-B is the photocopy of relevant portion of the acceptance of the said recommendation by the Govt. Of India published in India Gazette.

Annexure-C is the photocopy of letter No. 11(13)/97/D (CIV.I) dated 26<sup>th</sup> December 2001.

Annexure-D is the photocopy of letter No.A26576/Tech Supvr/OS-20/1056/D (O.II) dated 14<sup>th</sup> June 2002

Annexure-E is the photocopy of letter No.A/26576/Tech Supvr/OS-20 dated 23<sup>rd</sup> August 2002.

Annexure-F is the photocopy of letter No.29860/Prom/Tech/Vol-80/CA-6 dated 14<sup>th</sup> September 2002.

*K Paul*

Annexure-G is the photocopy of Order No. 24/PROM/MISC/CA-6 dated 1<sup>st</sup> May 2002.

Annexure-H is the photocopy of Order No. 19/PROM/MISC/CA-6 dated 8<sup>th</sup> March 2003.

Annexure-I is the photocopy of Order dated 2<sup>nd</sup> August 2002 passed by the Hon'ble Central Administrative Tribunal Principal Bench, New Delhi in O.A. No.1711/2000.

Annexure-J is the photocopy of letter No.29860/PROM/Tech/Vol-81/CA6 dated 22 December 2003/13 January 2004

Annexure-K is the photocopy of order-dated 13.2.2004 passed in O.A.No.385/2004 and MA326/2004 by The Hon'ble CAT Principal Bench, New Delhi.

This original application is made against the letter No.29860/PROM/Tech/Vol-81/CA6 dated 22 December 2003/13 January 2004 by which applicants present pay scale is downgraded to pre-revised scale. Hence the applicants seeks a direction from this Hon'ble Tribunal to the Respondents for continuation of the present upgraded pay scale of the applicants as per V (Fifth) Pay Commission recommendation contain in para-63.302, stipulating provision of Four Grade structure with the minimum pay scale of Rs.5000-8000, which have been already accepted by the Govt. of India.

*CR*

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.  
(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT 1985)  
ORIGINAL APPLICATION NO. *76* OF 2004.**

*Filed by  
Kamalendu Paul  
Applicant No 1  
through J.L.L.  
(Advic. #HMBD)  
Ashwat*

BETWEEN

1. **Shri Kamalendu Paul**  
P/No. 6967166  
Senior Chargeman
2. **Shri Akan Chandra Baruah**  
P/No. 6966601  
Senior Chargeman
3. **Shri Golab Prasad**  
P/No. 6967101  
Senior Chargeman
4. **Shri Dhareswar Das**  
P/No. 27722  
Senior Chargeman
5. **Shri Nomal Chandra Boro**  
P/No. 27743  
Senior Chargeman
6. **Shri Ganesh Bahadur Darjee**  
P/No. 6966936  
Senior Chargeman
7. **Shri Jogesh Chandra Mazumder**  
P/No. 27966  
Chargeman
8. **Shri Dokai Barman**  
P/No. 28009  
Chargeman
9. **Shri Lokhendra Hazarika**  
P/No. 28021  
Chargeman
10. **Shri Ram Prasad Singh**  
P/No. 28061  
Chargeman

*K Paul*

11. **Shri Shiv Narayan Srivasthava**  
P/No.28153  
Chargeman
12. **Shri Ram Aserey**  
P/No.28136  
Chargeman
13. **Shri Ram Prakash**  
P/No.28163  
Chargeman
14. **Shri BB Chakate**  
P/No.28151  
Chargeman
15. **Shri Khagesh Chandra Bhattacharjee**  
P/No.28038  
Chargeman
16. **Shri Mahendra Kumar Rabha**  
P/No.28012  
Chargeman
17. **Shri Kandarpa Mahan Das**  
P/No.6967498  
Senior Chargeman
18. **Shri Shyam Bahadur**  
P/No.27696  
Senior Chargeman

...Applicants

The Applicant No.1 to 16 are working under the Commandant 222 Advance Base Ordnance Depot C/o 99A.P.O. and the Applicant No. 17 to 18 are working under the Officer Commanding 41 Vehicle Coy C/o 99A.P.O.

-AND-

1. The Union of India represented by the Secretary to the Government of India, Ministry of Defence, South Block, and New Delhi-1.

*Rand*

2. The Director General of Ordnance Service.  
Master General of the Ordnance Service  
Army Head Quarter  
P.O.- D.H.Q. New Delhi-110011
3. The Officer in Charge,  
Army Ordnance Corps Record Office  
Post Box No.3,  
PO Trimulgherry Secunderabad  
Pin-500015
4. The Commandant 222 Advance Base Ordnance  
Depot C/o-99A.P.O.
5. The Officer Commanding 41 Vehicle Coy  
C/o 99A.P.O.

...Respondents

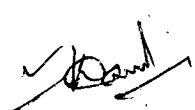
**1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:**

The Application is made against the letter No.29860/PROM/Tech/Vol-81/CA6 dated 22 December 2003/13 January 2004 and also with a prayer for continuation of the present upgraded pay scale of the applicants as per V (Fifth) Pay Commission recommendation contain in para-63. 302, stipulating provision of Four Grade structure with the minimum pay scale of Rs.5000-8000, which have been already accepted by the Govt. of India.

**2) JURISDICTION OF THE TRIBUNAL**

The applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

**3) LIMITATION**



The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

**4) FACTS OF THE CASE:**

Facts of the case in brief are given below:

4.1) That your humble applicants are citizen of India and as such they are entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your applicants beg to state that they are working as Senior Chargeman & Chargeman under the Respondents. The applicant No.1 to 16 are working under the Office Of the Respondent No.4 and the applicant No.17 to 18 are working under the Office of the Respondent No.5. All of them are Defence Civilian persons holding post of Technical Officer. They are Group C employees.

4.3) That your applicants beg to state that as the grievances and reliefs prayed in this application are common, therefore, they pray for grant of permission under Section 4(5) (a) of the Central Administrative Tribunal (Procedure) rules, 1987 to move this application jointly.

4.4) That your applicants beg to state that the Fifth Central Pay Commission has recommended the four-grade structure scheme for technical supervisory staff of the Army Ordnance Corps vide paragraph 63.302 and 63.303.

Annexure-A is the photocopy of such recommendation.

4.5) That your applicants beg to state that the Army Ordnance Staff for short AOC is a Wing of the Army responsible for the maintenance of all Units at all times. The AOC fulfill its responsibility by providing, procuring, receiving the stores, carry out the maintenance staff and issuing of stores of all kinds. To achieve the efficient work

performance, it requires and intimate knowledge of equipment and the accessories as such the staff, particularly the Technical Officers have to shoulder onerous responsibilities.

4.6) That your applicants beg to state that the said recommendation of the Fifth Central Pay Commission for Technical Supervisory Staff of Army Ordnance Corps have been accepted by the Govt. Of India, Ministry of Finance (Department of Expenditure) Resolution No.50 (I)/IC/97 dated 30<sup>th</sup> September 1997 and notified by the Ministry of Finance (Department of Exp.) Notification No.GSR-569 (E) dated 30<sup>th</sup> September 1997 and Ministry Of Defence Notification No.SRO-18E dated 9<sup>th</sup> October 1997.

Annexure-B is the photocopy of relevant portion of the acceptance of the said recommendation by the Govt. Of India published in India Gazette.

4.7) That your applicants beg to state that the Ministry Of Defence issued a letter No. 11(13)/97/D (CIV.I) dated 26<sup>th</sup> December 2001 and also letter No.A26576/Tech Supvr/OS-20/1056/D (O.II) dated 14<sup>th</sup> June 2002.

Annexure-C is the photocopy of letter No. 11(13)/97/D (CIV.I) dated 26<sup>th</sup> December 2001.

Annexure-D is the photocopy of letter No.A26576/Tech Supvr/OS-20/1056/D (O.II) dated 14<sup>th</sup> June 2002

4.8) That the applicants beg to state that the Respondents vide their letter No.A/26576/Tech Supvr/OS-20 dated 23<sup>rd</sup> August 2002 has introduced the Four-Grade structure for Technical Supervisory staff in the Army Ordnance Corps. The said letter was forwarded by the Army Ordnance Corps Record Office Post Box No.3, Trimulgherry PO Secunderabad vide letter No.29860/Prom/Tech/Vol-80/CA-6 dated 14<sup>th</sup> September 2002.

Annexure-E is the photocopy of letter No.A/26576/Tech Supvr/OS-20 dated 23<sup>rd</sup> August 2002.

*Ravi*

Annexure-F is the photocopy of letter No.29860/Prom/Tech/Vol-80/CA-6 dated 14<sup>th</sup> September 2002.

4.9) That your applicants beg to state that the Respondents had issued the revise and upgraded pay scale of the applicants and other similarly situated persons vide their last part II Order No. 24/PROM/MISC/CA-6 dated 1<sup>st</sup> May 2002 and also vide their last part II Order No. 19/PROM/MISC/CA-6 dated 8<sup>th</sup> March 2003.

Annexure-G is the photocopy of Order No. 24/PROM/MISC/CA-6 dated 1<sup>st</sup> May 2002.

Annexure-H is the photocopy of Order No. 19/PROM/MISC/CA-6 dated 8<sup>th</sup> March 2003.

4.10) That your applicants beg to state that similarly situated persons earlier has approached the Hon'ble Central Administrative Tribunal Principal Bench, New Delhi for implementation of Four-Grade Structure of Technical persons as per recommendation of V (Fifth) Central Pay Commission. The above said Case was registered as OA No.1711/2000. The said Case was finally disposed up on 2<sup>nd</sup> August 2002. It has been stated by the Hon'ble Tribunal Principal Bench that "During the pendency of this O.A., the respondents have issued the orders dated 26.12.2001 and 14.6.2002 (copies placed on record). The order dated 26.12.2001 refers to the recommendations of the 5<sup>th</sup> Central Pay Commission regarding introduction of four grade structure for Technical Supervisory Staff in Defence Establishments, including Paragraphs 63.302 and 63.303 of its report. It is stated in this order that the Government has accepted the recommendation to introduce four grade structure for the Technical Supervisory category in Defence Establishments in the ratio of 35:25:25:15 for Chageman Grade-II, Chageman Grade-I, Assistant Foreman and Foreman, respectively. Accordingly the sanction of the President has been conveyed for authorization of the revised pay scales and the grade structure, as indicated in the Annexure for the respective categories. The learned counsel for the applicants has agreed that by issuance of the order dated

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26.12.2001, the main reliefs prayed for in paragraph 8(1) of the O.A. are met with regarding implementation of the recommendations of the 5<sup>th</sup> Central Pay Commission, as contained in Paragraphs 63.302 and 63.303, to the eligible Supervisory Staff of the Army Ordnance Corps (AOC).”

Annexure-I is the photocopy of Order dated 2<sup>nd</sup> August 2002 passed by the Hon'ble Central Administrative Tribunal Principal Bench, New Delhi in O.A. No.1711/2000.

4.11) That your applicants beg to state that the Respondents have paid the upgraded pay scale of the applicants with reference to the various office memorandum and orders issued by the Respondents from time to time. Accordingly they are enjoying the upgraded pay scale without any interruption, But all of sudden the Respondents have issued a letter No.29860/PROM/Tech/Vol-81/CA6 dated 22 December 2003/13 January 2004 by which the pay scale of the applicant is going to be replaced to the pre-revised scale with effect from 1-1-1996. The Respondents at any moment may issue recovery order to the applicants. Hence finding no other alternative your applicants are compelled to approach this Hon'ble Tribunal seeking justice in this matter. The applicants prays an interim prayer from this Hon'ble Tribunal for staying the said impugned order and also not to recover any amount from the applicants by the Respondents in the plea of introduction of pre-revised pay scale

Annexure-J is the photocopy of letter No.29860/PROM/Tech/Vol-81/CA6 dated 22 December 2003/13 January 2004

4.12) That your applicants beg to state that similarly situated persons has also filed O.A.No.385/2004 and MA326/2004 before the Hon'ble Central Administrative Tribunal Principal Bench, New Delhi against the introduction of pre-revised scale by the Respondents. The Hon'ble CAT Principal Bench, New Delhi vide its order dated 13.2.2004 stayed the impugned recovery order.

*R. D. Singh*

Annexure-K is the photocopy of order-dated 13.2.2004 passed in O.A.No.385/2004 and MA326/2004 by The Hon'ble CAT Principal Bench, New Delhi.

4.13) That your applicants beg to state that the Respondents by themselves has paid the upgraded scale to the applicants and the applicants have not taken upgraded pay scale by back door policy or by fraudulently from the Respondents. The applicants are entitled for upgraded pay scale as recommended by the V (Fifth) Central Pay Commission. Moreover the same has been sanctioned by the President of India and as well as Ministry of Finance. The Hon'ble Central Administrative Tribunal Principal Bench, New Delhi in O.A.2657/2000 dated 20.2.2002 has already allowed the up gradation of the pay scale of the applicants and others similarly situated persons. The Respondents cannot override the judgment of the Hon'ble Tribunal.

4.14) That your applicants submit that they have got reasons to believe that the Respondents are resorting the colorable exercise of power.


4.15) That your applicants submit that the action of the Respondents are mala fide, illegal and with a motive behind.

4.16) That your applicants submit that the action of the Respondents is highly illegal, improper, whimsical and also against the policy adopted by the Government of India.

4.17) That in view of the facts and circumstances it is a fit Case for interference by Hon'ble Tribunal to protect the interest of the applicants.

4.18) That this application is filed bona fide and for the interest of justice.

**5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:**



In view of the humble submissions made and facts and circumstances explained in the foregoing paras, the impugned order is arbitrary, mala fide, discriminatory and badly misconceived on the following amongst other grounds: -

- 5.1) For that, the claim of the applicant is founded and based on the recommendations of expert body, like the V(Fifth) Central Pay Commission and the same are not made subject to any conditions or approval of any other Ministry, Authority or Agency and the applicants are entitled to the grant of the benefit thereof in toto
- 5.2) For that the V (Fifth) Central Pay Commission recommendations are crystal clear and their recommendations are contained in Para 63.302, where they have given four grade structure, comprising of Chargeman-II, Chargeman-I, Assistant Foreman and Foreman, and Para 63.303 also lays down that the AOC and EME posts are to be distribution in the ratio of 45:25:25:05 and they have separately prescribed a different ratio of 35:25:25:15 in other Organizations and as such in view of the specific and distinct separate ratio the question of adopting any uniform ratio does not arise at all.
- 5.3) For that, the aforesaid recommendation have been duly accepted by the Govt. of India, which have been notified in the Gazette of India, Extraordinary dated 30.09.97, and the same admits of no approval or requires any modified or changed designation or pay scales.
- 5.4) For that, the Respondents have issued the orders dated 26.12.2001, 14.6.2002 and 23<sup>rd</sup> August 2002 for implementation of the four grade structure scheme as recommended by the V (Fifth) Central Pay Commission.
- 5.5) For that, the matter has already been settled by the Hon'ble Central Administrative Tribunal Principal Bench, New Delhi in similar Cases as such the Respondents cannot deny the same to the applicants.

5.6) For that, granting pre-revised scale to the applicants from them onwards and even thereafter is arbitrary, unjust, illegal, mala-fide and bad in law as well as in fact.

5.7) For that the Respondents have violated the Article 14, 16 & 21 of the Fundamental rights guaranteed under the Constitution of India.

5.8) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.

5.9) For that, in any view of the matter the action of the matter the action of the Respondents are not sustainable in the eye of law as well as fact.

The applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

**6) DETAILS OF REMEDIES EXHAUSTED:**

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

**7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:**

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition of suit is pending before any of them.

**8) RELIEF SOUGHT FOR:**

*Paul*

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

- 8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to continue the revise pay scale of the applicants as given by the Respondents as per various memorandums and orders issued by the Respondents from time to time.
- 8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- 8.3) To pay the cost of the application.

**9) INTERIM ORDER PRAYED FOR:**

The Hon'ble may be pleased to stay the impugned letter No.29860/PROM/Tech/Vol-81/CA6 dated 22 December 2003/13 January 2004 and also direct the Respondents not to make any recovery from the applicants.

**10) Application is filed through Advocate.**

**11) Particulars of L.P.O.:**

LP.O. No. 116 378795  
 Date of Issue 23.3.2004  
 Issued from Guwahati C.P.O.  
 Payable at Guwahati

**12) LIST OF ENCLOSURES:**

As stated above.

**Verification.....**

*[Handwritten signature]*

**VERIFICATION**

I, Shri Kamalendu Paul, P/No. 6967166, Senior Chargeman working under the Office of the Commandant 222 Advanced Base Ordnance Depot C/o 99APO do hereby solemnly verify that I am the applicant No.1 of the instant application and I am authorized by the other applicants to signed this verification. That the statements made in paragraph nos. 4.1 to 4.3, 4.5 —

— are true to my knowledge, those made in paragraph nos. 4.4, 4.6 to 4.12 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 25<sup>th</sup> day of March 2004 at Guwahati.

*Kamalendu Paul.*

**...DECLARANT**

TECHNICAL SUPERVISORY STAFF IN MINISTRY OF DEFENCE

*Background*

63.300 Technical Supervisors in Defence establishments generally follow the four standard pay scales of Rs. 1400-2300, Rs. 1600-2660, Rs. 2000-3200 and Rs. 2375-3500 as in other organisations. However, in the AOC, EME, Air Force and certain establishments in the Navy, technical supervisory staff were re-organised into part I and Part II cadres as per recommendations of the Devnath Committee. This was done to provide better promotion avenues to workshop staff. The constitution of the two cadres is as follows:

PART I	PART II
Senior Foreman (Rs. 2000-3200 or Rs. 2375-3500)	Foreman (Rs. 1600-2660)
Foreman (Rs. 1600-2660)	Senior Charginan (Rs. 1400-2300)
Senior Charginan (Rs. 1400-2300)	Charginan (Rs. 1400-2300)
Group A Tradesman (current HSK I) (Rs. 1320-2040)	Group B tradesman (current HSK II) (Rs. 1200-1800)

63.301 The highest grade of Senior Foreman is normally established only in base repair workshops where overhaul, major repairs and manufacturing work are carried out.

*Our recommendations:*

63.302 While our recommendations on technical supervisors as a common category would apply to technical supervisors who fall into the four grade structure, in this chapter we have considered the categories covered by the Part I and Part II cadres and categories where the four grade structure has been established but without the same pay scales. One of the important demands of technical supervisors in part I and part II cadres is that they should also be brought on to the four grade structure. We have considered this suggestion and in view of our proposal to merge the highly skilled grade II and highly skilled grade I, there may be no requirement to make a distinction between the two cadres. We, therefore, agree that the uniform four grade structure may be implemented in all organisations. As regards the manner in which technical supervisors in these organisations may be restructured, detailed recommendations for each organization are indicated below. Other organizations where there is a four grade structure but not presently covered under the general pattern of pay scales are also covered in the succeeding paragraphs.

Attested  
S. S. S. S.

EXISTING	PROPOSED	REMARKS
	Foreman (Rs.2375-3750) 100% promotion	New grades to be introduced
Sr. Foreman of Part-I Cadre (Rs.2000-3200)	Asstt. Foreman (2000-3500)	Distribution of posts in the ratio of 15:25:25:35
Foreman of Part-I Cadre (1600-2660)	Chargeman-I (1640-2900) 100% promotion	
Sr. Chargeman of part-I and Part-II Cadre and Chargeman of Part-II Cadre (Rs.1400-2300)	Chargeman-II (1600-2660)	

AOC

EXISTING	PROPOSED	REMARKS
	Foreman (Rs.2375-3750)	New grades to be introduced.
	Asstt F'man (Rs.2000-3500)	Distribution of posts in ratio of 5:25:25:45
Foreman (Rs.1600-2660) of Part I & II Cadres	Chargeman - I (Rs.1640-2900)	
Chargeman (Rs.1400-2300) of Part- II cadre and Sr. C'man (1400-2300) of Part I & II cadres.	Chargeman - II. (Rs.1600-2660)	

EME

EXISTING	PROPOSED	REMARKS
Not existing	Foreman (2375-3750) 100% promotion	New grades to be introduced.
Not existing	Asstt. Foreman (Rs.2000-3500) 100% promotion	Distribution of posts in ratio of 5:25:25:45
Foremen of Part -II cadre	Chargeman-I (Rs.1640-2900)	

S.P. Adhikari  
 Adhikari

NAIO  
Ammunition  
Workshop

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EXISTING	PROPOSED	REMARKS	
Sr. Foreman (Rs.2375-3500)	Foreman (Rs.2375-3750)	Rationalised pay scale	
-	Asstt. Foreman (Rs.2000-3500)	New grade as per standard pattern.	
Foreman (Rs.1600-2660)	Chargeman I (Rs.1640-2900)	Upgraded since the feeder grade is upgraded.	
Sr. Chargeman Rs.1400-2300   Chargeman (Rs.1400-2300)	Chargeman II (Rs.1600-2660)	Direct Recruitment to the extent of 3-1/3% of Engg. Diploma holders/ B.Sc. to be introduced.	
N/AIO Factory Workshop (Mech)	Sr. Foreman (Rs.2375-3500)	Foreman (Rs.2375-3500)	No change
-	Asstt. Foreman (Rs.2000-3500)	New grade to be introduced	
Foreman (Rs.1600-2660) Sr. Chargeman (Rs.1400-2300)	Chargeman-I (Rs.1640-2900) Chargeman-II (Rs.1600-2660)	To be made a 100% promotion grade	

Distribution of posts

63.303 As far as distribution of posts across the four levels is concerned, it is based on the consideration that in the AOC and EME posts may be distributed in the ratio of 45 : 25 : 25 : 5 for Chargeman II : Chargeman I : Asstt. Foreman : Foreman and in other Organizations the ratio of 35 : 25 : 25 : 15 as recommended by us under the chapter on Workshop Staff may apply. We also recommend that the conversion to a uniform grade structure should be accompanied by introduction of direct recruitment to the extent of 33-1/3% from amongst 3 year Diploma holders in Engineering/B.Sc. at the level of Chargeman II.

**WASHERMEN IN DEFENCE ESTABLISHMENTS**

Proposals

63.304 Ministry of Defence have informed that Washermen are in varying designations and pay-scales in the Defence establishments. Grant of common scales for these employees has been suggested by the Ministry of Defence.

Our recommendations

63.305 We have considered the demand and having regard to their recruitment qualifications and nature of job we recommend that all washermen under Ministry of Defence should be granted uniform pay scales with Rs.750-

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High Skilled Grade-I  
Artisan (Rs.1320-2040)

- (ii) The posts of Master Craftsmen are filled from artisans in Highly Skilled Grade-I by converting an equal number of posts of artisans to the Grade of Master Craftsmen. The post reverts to High Skilled Grade-I after the Master craftsman vacates the post. The promotion of artisans to the grade of Master Craftsman is thus personal in nature. The fitness as Master Craftsman does not give any advantage to the Highly Skilled Artisan in seniority for promotion as Mistry.
- (iii) The Master Craftsmen have to seek promotion as Mistrics who in turn get promotion to the posts of Chargemen 'B'
- (iv) The posts of Chargeman 'B' are in technical supervisory cadre and those of Mistry are specifically excluded from this cadre.

Our recommendations

54.38 We find that the direct recruitment qualification for the initial pay scale of technical supervisors in Workshops is Diploma in Engineering of relevant discipline or Graduation in Science. We have, as a general principle decided to improve the remuneration of Diploma Engineers in Government. In accordance with this general approach, we recommend following grade-structure for technical supervisors in Workshops :-

	Existing (Rs.)	Recommended (Rs.)	Revised Designations in Railways(#) decided by the Ministry in July '96.	Remarks
Chargeman 'B' / Chargeman	1400-2300	1600-2660	Junior Engineer Grade-II (Workshop)	Higher scale due to engg. diploma entry at this level
Chargeman 'A' / Senior Chargeman	1600-2660	1640-2900	Junior Engineer Grade-I (Workshop)	Due to feeder grade being upgraded
Assistant Shop Superin- tendent/Deputy Shop Superintendent/Assistant Foreman (*)	2000-3200	2000-3500	Section Engineer (Workshop)	Higher scale due to rationalisation as also the degree in engg. entry at this level
Shop Superintendent/ Foreman	2375-3500	2375-3750	Senior Section Engineer (Workshop)	Due to rationalisation

(\*) Part Direct Recruitment of Engineering Graduates in Railways.  
 (#) Other Departments may revise designations, if necessary, in consultation with representatives of organised labour

Overtime to  
Technical  
Supervisors

54.39 The Technical Supervisors in Railways have demanded Overtime Allowance for Supervisory staff and Superintending Allowance for Assistant Shop Superintendent and Shop Superintendent in Railway Workshops.

54.40 In Railways, the staff are classified as 'Intensive' 'Continuous' 'Essentially Intermittent' and 'Excluded' on the basis of weekly hours of work as stipulated under Hours of Employment Regulations in the Railways Act, 1989. There is no statutory limit of work for 'Excluded' categories which include the supervisory staff. The supervisory staff who have no statutory or rostered hours of work are not eligible for overtime allowance. The Ministry of Railways has explained to us that the exclusion of supervisory staff from the limitation of hours of work is in conformity with the International Labour Organisation Convention (ratified by India) which provides that for the workers in supervisory posts or positions of trust and workers whose activity is of such a nature that they are not subject to the limitations of normal working day, the limitation of hours of work

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REVISED SCALES OF PAY FOR CERTAIN POSTS IN MINISTRIES, DEPARTMENTS AND UNION TERRITORIES

The revised scales of pay mentioned in Column 4 of this part of the Notification for the posts mentioned in column 2 have been approved by the Government. However, it may be noted that in certain cases of the scales of pay mentioned in column 4, the recommendations of the Pay Commission are subject to fulfilment of specific conditions. These conditions relate inter-alia to changes in recruitment rules, restructuring of cadres, re-distribution of posts into higher grades etc. Therefore, in those cases where conditions such as changes in recruitment rules etc. which are brought out by the Pay Commission as the rationale for the grant of these upgraded scales, it will be necessary for the Ministries to decide upon such issues and agree to the changes suggested by the Pay Commission before applying these scales to these posts w.e.f. 1.1.96. In certain other cases where there are conditions prescribed by the Pay Commission as pre-requisite for grant of these scales to certain posts such as cadre restructuring, redistribution of posts etc. It will be necessary for the Ministries/Department concerned to not only accept these preconditions but also to implement them before the scales are applied to those posts. It would, therefore, be seen that it is implicit in the recommendations of the Pay Commission that such scales necessarily have to take prospective effect and the concerned posts will be governed by the normal replacement scales until then.

Sl. No.	Posts	Present Scale (Rs.)	Revised Scale (Rs.)	Paragraph No of Report
(1)	(2)	(3)	(4)	(5)

VIII

MINISTRY OF DEFENCEDEPARTMENT OF DEFENCE

## ARMY ORDNANCE CORPS

1.	Ordnance Officer Civil (Store)	2000-60-2300-75-3200 +100-3500	6500-200-10500 7500-250-12000	63.10
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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II - Sec. 3(i)]

2.	Senior Store Superintendent	1600-50-2300-60-2660	5500-175-9000	63.10
3.	Store Superintendent	1400-40-1800-50-2300	5000-150-8000	63.10
4.	Driver AFV-cum-Supervisor	1320-30-1560-40-2040	4500-125-7000 5000-150-8000	63.17 63.17
5.	Foreman Part-I and II, Cadre	1600-50-2300-60-2660	5500-175-9000 6500-200-10500 7450-225-11500	63.302
6.	Chargeman Pt II, Cadre Sr. Chargeman Part I & II Cadre	1400-40-1800-50-2300	5000-150-8000	63.302

1-8

No. 11(13)/97/D(Civ.I)  
Government of India  
Ministry of Defence  
New Delhi, the 26<sup>th</sup> December, 2001

To

The Chief of the Army Staff  
The Chief of the Naval Staff  
The Chief of the Air Staff

Subject: Recommendations of the Vth CPC regarding introduction of four Grade Structure for Technical Supervisory Staff in Defence Establishments.

Sir,

The undersigned is directed to refer to the recommendations given by the Vth CPC in paras 54.45, 63.252, 63.302 and 63.303 of its report and to say that the Government have accepted the recommendation to introduce four grade structure for the Technical Supervisory category in Defence Establishments in the ratio of 35:25:25:15 for Chageman Grade. II, Chageman Grade. I, Assistant Foreman and Foreman respectively. Accordingly, the sanction of the President is conveyed for authorization of the revised pay scales and the grade structure as indicated in the Annexure for the respective categories. For AOC, EME and OFB (Non-Technical category) the ratio will be as indicated in the Annexure, as per the specific recommendations of the Pay Commission for these organisations.

2. The existing cadre of Technical Supervisory Staff will be restructured by suitable upgradation and downgradation of the posts. If the revised number of posts is in excess of the existing strength of a particular grade, the difference will be deemed as newly sanctioned post in that grade. Similarly, if the revised number of posts in a grade is less than the existing strength the number of posts equal to the difference will be treated as having been abolished in that grade. In case any of the existing employees cannot be adjusted within the newly introduced ratio, they will not be reverted and they shall hold the scale as personal to them till they wear out by promotion, retirement etc. However, the period of such retention of scale on personal basis shall not count for the purpose of eligibility for further promotion.

3. Direct recruitment should be introduced to the extent of 33-1/3% from amongst three years' diploma holders in Engineering/B.Sc at the level of Chageman Grade. II, wherever, it is not already existing and the Recruitment Rules amended accordingly. Until the Recruitment Rules (RRs) are amended, filling up of the post of Chageman Gr.II through other streams shall not exceed 66-2/3% of the vacancies.

4. Recruitment Rules for the new grade(s), which are to be introduced in the respective organisations, should be framed and placement of individuals in that grade(s) be done only after fulfillment of the criteria as prescribed in the Recruitment Rules. Action should be taken by the concerned organizations, in consultation with concerned administrative section in the Ministry and Integrated Finance, for redistribution of the posts and framing of

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*[Handwritten signature]*

Recruitment Rules for all grades so as to have uniformity in RRs in all the organizations, for ensuring anomalies-free implementation of the orders.

5. These orders will be effective from the date of issue. The actual benefit would however be admissible from the date of actual placement of the individuals in different grades on restructuring.

6. This issues with the approval of Defence (Finance/AG/PB) vide their I.D. No. 933/AG/PB dated 26.12.2001.

Yours faithfully,

Piara Ram  
(Piara Ram)

Under Secretary, to the Govt. of India

Copy to :-

AG/MP.4(Civ)(a)  
Air HQrs./PC-5  
NHQ/CP.Dte.  
R&D/Orgn./DOP

DGNCC/Pers(c)  
DGAFMS/DG-2(B)  
OFB Calcutta  
DPR

DGDE/Admin.  
DGAQA  
DGQA/Admin.-7B  
CAO/Coord

D(Appt.); D(Fy.II); D(R&D); D(GS.III); D(QS); D(Q&C); D(JCM); D(AG); D(N.II);  
D(Air.III); D(Works-II); D(O.II).

The CGDA; All CDAs; All Sr. Dy. DADS; The DGADS; The Asstt. Audit Officers (Defence Services), Kirkee, Kanpur, Bangalore and Allahabad; The Director of Accounts (Postal) APS Section, Nagpur-440001.

DFA(AG); DFA(Navy); DFA(AF); DFA(Works); DFA(Budget-II); DFA(DP-I); C.C.A. (Factory), Calcutta.

OF Cell, 'G' Block; Chief Canteen Officer/QMG's Branch; OC Defence Security Troops, Room No.4, 'H' Block; Air HQrs./JDPC; AG/PS-3(a); AG/PS-3(b); AG/Budget; E-in-C's Branch/CSCC; E-in-C's Branch/EIB; Addl. DGOF, Kanpur; DGQA/Admin.(14); Coast Guard HQrs., National Stadium, New Delhi; AD/DGQA(Coord); HQ ATVP, Paryavaran Bhavan.

General Secretary, All India Defence Employees Federations, 70 Market Road, Kirkee, Pune-411003.

General Secretary, Indian National Defence Workers Federations, 25/19, Karachi Khana, Kanpur-208001.

Chairman, Central Administrative Tribunal, Faridkot House, Copernicus Marg, New Delhi.

General Secretary, Bharatiya Pratiraksha Mazdoor Sangh, 2, Navin Market, Kanpur-208001.

Piara Ram

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-20-

N/26576/Tech Supvr/OS-20/056 /D(O-II)  
Government of India  
Ministry of Defence  
New Delhi, the 14<sup>th</sup> Jun 2002

To

The Chief of the Army Staff

Subject :-

INTRODUCTION OF FOUR GRADE STRUCTURE FOR  
TECHNICAL SUPERVISORY STAFF IN THE ARMY  
ORDNANCE CORPS

Sir,

I am directed to refer to Ministry of Defence letter No. 11(13)/97/D(Civ-I) dated 26 Dec 2001 and to convey the sanction of the President to introduce new grades of Technical Supervisory Staff of Army Ordnance Corps in the ratio of 45:25:25:5 for Chargeman Gd-II (both Pt-I & II Cadre), Chargeman Gd-I (both Pt-I & II Cadre), Assistant Foreman and Foreman respectively and to restructure the existing cadre of Supervisor Staff as indicated in Annexure.

2. In case any of the existing employees cannot be adjusted within the newly introduced ratio, they will not be reverted. They shall hold the scale as personal to them till they wear out by promotion, retirement etc.

3. Directorate General of Ordnance Services will take necessary action to framing/amending the Recruitment Rules for the above grades in consultation with the DOPT and Union Public Service Commission as per the instant instructions on the subject.

4. These orders will be effective from the date of issue. The actual benefit would however be Admissible from the date of actual placement of the individuals in different grades on restructuring.

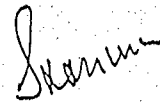
*JM*

.....2

Attested  
*J.S.*  
Asstt

5. This issue with the concurrence of Defence (Finance) vide their U.O No. 935/O1B dated 29 May 2002.

Yours faithfully,



(S.K. Khurana)

Under Secretary to the Govt of India

Copy to:-

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(All Command (Ord)

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All CODs/CASD/CAD/CVD/CAFVD

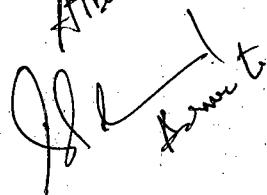
AOC Records Secunderabad

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(All PCsDA/CsDA)

(Ink signed copy)

CGDA, West Block - V, RK Puram  
Min of Def/D(O-II)  
Min of Def/Fin(O-1B)  
Min of Def/D(Civ-I)  
MGO Branch/OS-20  
AG/MP-4(Civ)(a)  
OS-8C, Army HQ

Attested  
  
S. K. Khurana

File No : 3019309

Registered/SDS  
Directorate General of Ordnance Services  
Master General of Ordnance Branch  
Army Headquarters  
DHO PO New Delhi -11

A/26576/Tech Supvr/OS-20

24 Aug 2002

Officer-in-Charge  
AOC Records  
Secunderabad-15

INTRODUCTION OF FOUR GRADE STRUCTURE FOR  
TECHNICAL SUPERVISORY STAFF IN THE ARMY  
ORDNANCE CORPS

1. The Chargeman in the prescribed scale of Rs. 1400-2300 were given the replacement scale of Rs.5000-8000 wef 1.1.96 and there were no conditions to be fulfilled before the revised scales were applied vide GoI MoD letter No 11(6)/97/D(Civ-I) dated 11 Nov. 97 based on the recommendations of 5th CPC. Since then these replacement scales have not been withdrawn by the MoD.
2. The 5th CPC had also recommended a uniform four grade structure for the Technical Supervising Staff and the same was accepted by MoD vide GoI, MoD letter No 11 (13)/97/D(Civ-I) dt 26 Dec 2001. A case was taken up by the Ord Dte with the MoD and the four grade structure has been implemented in Ordnance vide MoD letter No A/26576/Tech Supvr/OS-20/1056/D(O-II)/2002 dt 14 Jun 2002. It may please be noted that in the ibid Govt letter, the appt of Chargeman II in the present pay scale (i.e. revised pay scale of Rs.5000-8000 wef 1.1.96) has been re-designated as Chargeman II in the same pay scale of Rs.5000-8000 and Foreman in the present scale of Rs.5500-9000 have been re-designated as Chargeman I in the same pay scale of Rs.5500-9000.
3. In view of the above, it may be noted that Chargeman have been placed in the revised pay scale of Rs.5000-8000 wef 1.1.96 and only the re-designation of the Chargeman posts has been carryout out vide GoI, MoD letter No A/26576/Tech Supvr/OS-20/1056/ D(O-II)/2002 dt 14 Jun 2001.
4. The subject matter has also been clarified by MoD.
5. In view of the above necessary instr, may please be issued to all depots/units.

*[Handwritten signature]*

(MI Hussain)  
Col  
Dir OS (O&T)  
for DG OS

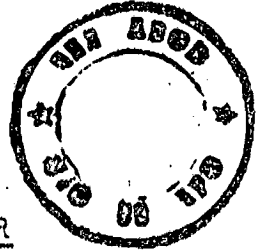
Tele: 7882343

REGISTERED

Sona Ayudh kex Abhilekh Karyalaya  
Army Ordnance Corps Record Office  
Post Box No 3, Trimulgherry PO  
Secundarabad 500015

29860/Prom/Tech/Vol-80/CA-6

14 Sep 2002



(All Unit/Depot Concerned)

INTRODUCTION OF FOUR GRADE STRUCTURE FOR  
TECHNICAL SUPERVISORY STAFF IN AOC

1. A copy of Army Headquarters letter No A/26576/Tech Supvr/OS-20 dated 23 Aug 2002 on the subject is forwarded herewith for your information and necessary action please.

Sd: x x x  
( J S Multani)

Capt  
Record Officer

for OIO Records

Encls: (1)

Copy to:-

Dte Gen Services (OS-20)  
MGO Branch

Army Headquarters  
DHQ PO New Delhi 110011

Dte Gen of Ord Services  
(OS-80) MGO Branch

Army Headquarters  
DHQ PO New Delhi-110011

1. For info wrt Army HQS letter quoted in para 1 above.

2. Army HQS are requested to forwarded copy of revised Recruitment Rules of Technical Supervisory staff so that this cadre can be re designated into four grade structure as per rate specified in Govt of India, MOD letter No A/26576/Tech Supvr/OS-20/1056/D (O-11) letter No A/26576/Tech Supvr/OS-20 dt 03 Jul 2002.

copy. Attested by

The MGs AOC

Headquarters Southern Command, Pune.

Headquarters Eastern Command, Calcutta

Headquarters Central Command, Lucknow

Headquarters Western Command, Chandimandir

Headquarters Northern Command C/O; 56 APO

CAPT.

KUSUM PANDEY,

COMMANDANT

*Attested*  
*[Signature]*

the ord. technical personnel  
Army Electronics Corps  
Post Box No - 3  
Tripathy PO  
Lucknow - 500 015

RESTRICTED  
Sector-8, Kharak, Delhi-11  
Page No 1 of 12  
Part II Order  
No 25 / Prom/Misc/CA-6  
dated 07 May 2002

ANNEXURE - G

-24-

(Last Part II Order No. 24 / Prom/Misc/CA6 dated 01 May 2002)

I. REVISED DESIGNATION OF CHARGEMAN PART II CADRE

The undermentioned Chargeman Part II Cadre (Rs:1400-2300) are redesignated as Chargeman Grade II in the pay scale of Rs. 5000-150-8090 in terms of Govt of India, Ministry of Defence letter No. 11(13)/97/D(Civ-I) dated 26 Dec 2001 received vide Army Headquarters letter No A/26576/Tech Supv/OS-20 dated 22 Jan 2002. The orders will be effective from the date of issue. The actual benefit would be admissible from the date of actual placement of the individuals i.e., on or after 01 May 2002.

\* W.E.F. 01-01-1998 vide Army L. No. A/26576/Tech Supv./OS-20 dt 23 Aug-02

<u>S.No.</u>	<u>P/Army No</u>	<u>Name</u>	<u>Unit</u>
01.	27634	TK Das	OD Allahabad
02.	6967629	PK Samudra	OD Talegaon
03.	6967488	Rattan Lal (SC)	1 FOD
04.	27682	Hari Shankar	COD Kanpur
05.	27721	Kishan Paul	CVD Delhi
06.	27742	DN Mehato (ST)	OD Shakurbasti
07.	6967625	SN Bandopadhyay	VD Panagawh
08.	27863	SK Biswas	OD Avadi
09.	6967668	Prem Chand (SC)	CVD Delhi
10.	27773	Baldev Kishan	COD Delhi
11.	27796	RN Sharma	COD Chheoki
12.	27757	RNP Sharma	COD Chheoki
13.	27833	Shivji Rai	1 FOD
14.	27744	Lok Nath	9 FOD
15.	27774	CL Kashyap	COD Jabalpur
16.	27797	KP Sharma	5 FOD
17.	27808	M Sharma	COD Agra
18.	27752	KK Thomas	OD Avadi
19.	27782	B Yadav	COD Delhi
20.	27781	HK Das	COD Jabalpur
21.	27800	AC Dey	CVD Delhi

*(Signature)*  
Major

RESTRICTED

Contd. P-2

*(Handwritten signature)*  
Amit

REBIBICIER

ANNEXURE-I

90

ADC Records  
Post Box No-3  
Trinulgherry : PO  
Secunderabad-15

- 25 -

Page No 1 of 32  
Part II Order No  
19/Prom/Misc/CA-6  
Dt : 09 Mar 2003

Last Part II Order No : 19/Prom/Misc/CA-6 Dated : 08 Mar 2003

REVISION OF PAY SCALE : CHARGEMAN GRE-II

The pay scale in respect of the undermentioned Chargeman Part-II cadre is revised in the scale of Rs. 5000-150-8000 wef the dates shown against their names in terms of Govt of India, Min of Def letter No 11(13)/97/D(Civ-I) dated 26 Dec 2001 recd vide Army HQs letter No A/26576/Tech supvr/08-20 dated 22 Jan 2002 and A/26576/Tech Supvr/08-20 dt 23 Aug 2002 :-

Ser No	P/Number	Name (Sarvashri)	Date of Effect	Unit
1.	6966955	BULAKI LAL (SC) (Promoted SCM wef 01/02/96)	01 Jan 96	OD ALLAHABAD
2.	27604	ABDUL AZIZ (Promoted SCM wef 01/02/96)	01 Jan 96	COD KANPUR
3.	6966943	NARAYAN PRASAD (Promoted SCM wef 01/02/96)	01 Jan 96	COD JABALPUR
4.	6966940	RP THAKUR (SC) (Promoted SCM wef 01/02/96)	01 Jan 96	COD CHHEOKI
5.	6967114	TN CHUMAR (Promoted SCM wef 01/02/96)	01 Jan 96	OD TALEGADN
6.	6967048	ANSAR HUSSAIN (Promoted SCM wef 01/04/96)	01 Jan 96	COD AGRA
7.	6966942	MK CHOBBH (Promoted SCM wef 01/04/96)	01 Jan 96	COD CHHEOKI
8.	6966962	SWATANTAR PRAKASH (Promoted SCM wef 01/05/96)	01 Jan 96	CVD DELHI
9.	6967065	SA THOMBRE (SC) (Promoted SCM wef 01/05/96)	01 Jan 96	COD MUMBAI
10.	6967007	SHYAM LAL (SC) (Retd wef 31/05/96)	01 Jan 96	COD KANPUR
11.	27583	MB MEBH RAM (SC) (Promoted SCM wef 01/07/96)	01 Jan 96	COD CHHEOKI

*Atte-1*  
*Advocate*

*[Signature]*  
Capt  
Record Officer

REBIBICIER

Condt...P/2

- 26 -

u1

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. 1711/2000

ANNEXURE - 1

New Delhi this the 2nd day of August 2002.

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J).  
Hon'ble Shri Govindan S. Tampi, Member (A).

1. Shri MM Lal Sharma,  
Senior Chargeman,  
No.2, Sub Depot,  
CVD, Delhi Cantt-10.
2. Shri Piare Lal,  
Foreman, RSSD, W/Shop,  
Ordnance Depot,  
Shakurbasti,  
Delhi-110056.
3. Shri Nihal Singh,  
Senior Chargeman,  
RSSD, Workshop,  
Ordnance Depot,  
Shakurbasti,  
Delhi-110056.
4. The Ordnance Technical  
Personnel Association  
(Non-Ind) (Regd. No.958)  
through its General  
Secretary, Shri Kawal Singh,  
Head Office: Gautam Niwas,  
A-2/372, Sector-8, Rohini,  
Delhi-110085.

... Applicants.

(By Advocate Shri G.D. Bhandari)

Versus

Union of India through

1. The Secretary,  
Government of India,  
Ministry of Defence,  
New Delhi-110011.
2. The Secretary,  
Government of India,  
Ministry of Personnel  
(Deptt. of Personnel & Training)  
New Delhi-110001.
3. Director General of Ordnance  
Services,  
Master General of the Ordnance  
Branch, Army Headquarters,  
DHQ PO, New Delhi-110011.

... Respondents.

(By Advocate Shri H.K. Gangwani)



- 27 -  
- 2 -  
O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J).

The applicants who are Technical Officers with the respondents, have filed this application seeking extension of the benefit of the 5th Central Pay Commission recommendations regarding provision of four grade structure, with the minimum scale of Rs.5000-8000 and implementation of the distribution ratio recommended by the 5th Central Pay Commission, as contained in paragraphs 63.302 and 63.303. According to them, these recommendations have also been accepted by the Govt. of India, Ministry of Finance Resolution dated 30.9.1997. They are also aggrieved by the rejection of their representation by the respondents' letter dated 12.5.2000.

2. Shri G.D. Bhandari, learned counsel has submitted that during the pendency of this O.A., applicant No.1, Shri MM Lal Sharma, has expired and his legal representatives have been substituted. He has relied on the judgement of the Tribunal in Rajbir Singh and Ors. Vs. Union of India & Ors. (OA 2657/2000), decided on 20.2.2002, copy placed on record.

3. During the pendency of this O.A., the respondents have issued the orders dated 26.12.2001 and 14.6.2002 (copies placed on record). The order dated 26.12.2001 refers to the recommendations of the 5th Central Pay Commission regarding introduction of four grade structure for Technical Supervisory Staff in Defence Establishments, including Paragraphs 63.302 and 63.303 of its report. It is stated in this order that the



Government has accepted the recommendations to introduce four grade structure for the Technical Supervisory category in Defence Establishments in the ratio of 35:25:25:15 for Chargeman Grade-II, Chargeman Grade-I, Assistant Foreman and Foreman, respectively. Accordingly, the sanction of the President has been conveyed for authorisation of the revised pay scales and the grade structure, as indicated in the Annexure for the respective categories. The learned counsel for the applicants has agreed that by issuance of the order dated 26.12.2001, the main reliefs prayed for in paragraph 8 (1) of the O.A. are met with regarding implementation of the recommendations of the 5th Central Pay Commission, as contained in Paragraphs 63.302 and 63.303, to the eligible Supervisory Staff of the Army Ordnance Corps (AOC).

4. Shri H.K. Gangwani, learned counsel has also pointed out that the respondents had not outrightly rejected the claim of the applicants by the impugned order dated 26.12.2001 but, in fact, had pursued the matter with the concerned authorities following which the subsequent order dated 14.6.2002 has been passed. He has submitted that the applicants have not challenged the orders issued by the respondents dated 26.12.2001 and 14.6.2002 which have been passed during the pendency of the O.A. and, therefore, nothing further survives in the O.A. Learned counsel has further submitted that the applicants have to await the decision of the respondents and in case they have any further grievance, they may agitate the same in accordance with law by the separate application. Learned counsel has also submitted that the facts in Rajbir

*Amended  
S. S. /  
1/*



- 99 -

Singh's case (supra) relied upon by the applicants distinguishable from the facts in this case and therefore, this case will not assist the applicants. M

5. The learned counsel for the applicants has submitted that paragraph 5 of the order dated 26.12.2001 and paragraph 4 of the order dated 14.6.2002 which provide that the orders will be effective from the date of issue, are objectionable and these orders should be given effect to with effect from 1.1.1996, that is the date when the recommendations of the 5th Central Pay Commission were accepted by the Government of India with payment of all arrears of pay with interest to the applicants. He has very vehemently submitted that benefits of the revised pay on acceptance of the recommendations of the 5th Central Pay Commission should be given to the applicants w.e.f. 1.1.1996.

6. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

7. In Rajbir Singh's case (supra), the Tribunal had observed, inter alia, that by the Ministry of Defence letter No. 11 (13) 97 D (CIV.1) dated 26.12.2001, referred to above, the recommendations of the 5th Central Pay Commission on the four grade structure have been accepted and given effect to. The Tribunal has also observed that in this letter, it has been stated that these orders will be effective from the date of issue. The actual benefit, however, be admissible from the date of placement of the individuals in different grades on



restructuring. The order thus makes it prospective in operation". Shri G.D. Bhandari, learned counsel has submitted that the respondents' letter dated 11.11.1997 has not been rescinded in any way. This is also not the case of the respondents in the present case. However, in Rajbir Singh case (supra), the Tribunal had come to the conclusion that the modification leading to the lowering of the scales had been ordered only by a subordinate formation i.e. the AOC (Records) office' letter dated 3.7.2000 and not by the Ministry which has, therefore, no sanction in law. Accordingly, the O.A. was allowed. That is not the position in the present case. Therefore, the facts in the judgement of the Tribunal in Rajbir Singh's case (supra) are not on all fours with the facts in the present case and we see force in the submissions made by the learned counsel for the respondents that the respondents have yet to pass consequential orders.

8. The aforesaid orders have been issued by the Ministry of Defence regarding introduction of four grade structure for Technical Supervisory Staff in the AOC. Paragraphs 5 and 4 of the orders are pari materia and read as follows:

"These orders will be effective from the date of issue. The actual benefit would, however, be admissible from the date of actual placement of the individuals in different grades on restructuring".

9. Shri G.D. Bhandari, learned counsel has very vehemently submitted that in terms of the revised pay scales which have been accepted by the respondents by order dated 30.9.1997 (GSR 569 (C)), the pay scales have to be given with effect from 1.1.1996 and not from the

*Atkins*  
*S. S. Advait*



date of issue of the aforesaid orders. However, in order dated 30.9.1997, it has been stated, inter alia, as follows:

"Therefore, in those cases where conditions such as changes in recruitment rules etc. which are brought out by the Pay Commission as the rationale for the grant of these upgraded scales, it will be necessary for the Ministries to decide upon such issues and agree to the changes suggested by the Pay Commission before applying these scales to these posts w.e.f. 1.1.96. In certain other cases where there are conditions prescribed by the Pay Commission as pre-requisite for grant of these scales to certain posts such as cadre restructuring, redistribution of posts etc. It will be necessary for the Ministries/Department concerned to not only accept these preconditions but also to implement them before the scales are applied to those posts. It would, therefore, be seen that it is implicit in the recommendations of the Pay Commission that such scales necessarily have to take prospective effect and the concerned posts will be governed by the normal replacement scales until then".

10. Having regard to the aforesaid orders passed by the respondents during the pendency of the O.A., we agree with the submissions made by Shri H.K. Gangwani, learned counsel that the main prayers of the applicants for a direction to the respondents to implement the recommendations of the 5th Central Pay Commission, as contained in Paragraphs 63.302 and 63.303, have been fully complied with by the orders dated 26.12.2001 and 14.6.2002. It has also been stated that it would be for the respondents to frame/amend the Recruitment Rules for the concerned grades of Technical Supervisory Staff of the AOC and in the circumstances, as also submitted by the learned counsel for the respondents, further orders have to be passed by the respondents keeping in view also the provisions of GSR 569 (c) dated 30.9.1997, which has also been relied upon by the applicants.



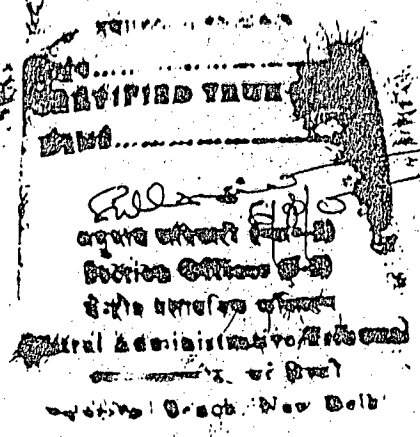
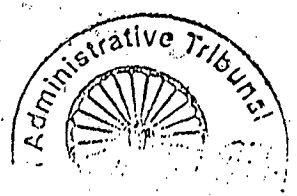
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JK

11. In the result, as the aforesaid orders have been issued by the respondents during the pendency of the O.A., the impugned letter dated 12.5.2000 no longer survives. As a result of the subsequent orders, the main reliefs prayed for by the applicants for four grade structure of Technical Supervisory staff have also been granted and the O.A. has, therefore, become infructuous. However, in the circumstances of the case, if the applicants are aggrieved by any consequential orders passed by the respondents, they are at liberty to agitate the same by original proceedings in accordance with law. No order as to costs.

(Govindan S) Tampi)  
Member(A)  
SRD

(Smt. Lakshmi Swaminathan)  
Vice Chairmn (J)



Atul  
Tampi

11/24

10 : 2777266

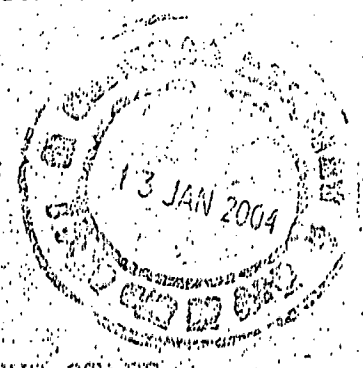
REGISTERED  
Sena Ordnance Corps Abhilekh Karyalaya  
Army Ordnance Corps Records  
Post Box No 3  
Trimulcherry Post  
Secunderabad-500015

29860/TROM/Tech/Vol-81/CF 6

Dec 2003

units

*S. Rao*



GRANT OF REPLACEMENT SCALES TO TECH SUBVR STAFF  
OF AOC

1. A copy of Min of Def Note dated 18 Nov 2003 received under Army Headquarters letter No A/26576/Tech supvr/OS-20 dated 20 Dec 2003 is forwarded herewith for necessary action. The replacement pay scales corresponding to the pre-revised scales in respect of existing Technical supervisory staff is being published shortly.

*(Signature)*

(KC. Rao)  
Capt  
Record Officer  
for OIC Records

Encls :

Copy to:-

Dt. Gen of Ordnance Services (OS-20)  
Master Gen of Ordnance Branch  
Army Headquarters  
DPO IO New Delhi-110011

Dt. Gen of Ordnance Services (OS-8C)  
Master Gen of Ordnance Branch  
Army Headquarters  
DPO IO New Delhi-110011

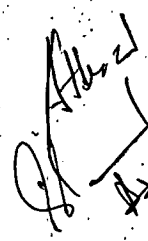
MGS AOC  
Headquarters Southern Command, Pune  
Headquarters Eastern Command, Kolkata  
Headquarters Western Command, Chandimandir  
Headquarters Central Command, Lucknow  
Headquarters Northern Command, C/O 56 APO

*(Signature)*  
*(Signature)*

//COPY//

Ministry of Defence  
D(Civ.I)

1. Reference preceding note.
2. The DGL placed opposite need not be issued. It is seen from the observations made by O/o FSLA(MC), Chandigarh that they had not agreed for grant of upgraded pay scales only.
3. The pay scales for Chargeman Pt. II Cadre (Sr. Chargemen Pt. I & II Cadre) and Foreman Part I & II Cadre, in AOC had been notified vide Part 'C' of MOD Notification dated 09 Oct 1997. In the introductory portion to Part 'C' of ibid Notification, it has been specified that in cases where there are conditions prescribed by the Pay Commission as pre-requisite for grant of these scales to certain posts such as cadre restructuring, redistribution of posts, etc., it will be necessary for the Ministry of Defence to not only accept these preconditions but also to implement them before the scales are applied to these posts. It would, therefore, be seen that it is implicit in the recommendations of the Pay Commission that such scales necessarily have to take prospective effect and the concerned posts will be governed by the normal replacement scales until then.
4. As placement of Chargemen and Foreman in upgraded scales require restructuring of this cadre into a four grade structure as recommended by Vth Pay Commission, these upgraded pay scales can be made applicable to these posts only after restructuring of the cadre. Till then the incumbents of these posts are entitled to be placed in the replacement pay scales only, w.e.f. 01.01.96; corresponding to their pre-revised pay scales.
5. We may return the file to OS-20 for taking necessary action accordingly.

  
 [Signature]  
 [Signature]

23019452

Lt General of Ordnance Services  
Master General of Ordnance Branch  
Army Headquarters  
New Delhi - 110 011

10 Dec 2003

A/26576/Tech Supvr/OS-20

MGs AOC

AOC Records  
Secunderabad - 15

GRANT OF REPLACEMENT SCALES TO TECH SUPVR STAFF OF AOC

1. Refer to :-

- (a) Army HQ letter No. A/26576/Tech Supvr/OS-20 dt 23 Aug 2002.
- (b) Army HQ letter No. A/26576/Tech Supvr/OS-20 dt 05 Sep 2003

2. The matter was once again taken up with Min of Defence with regard to grant of revised pay scales and cadre review in respect of Technical Supervisory Staff. It has been clarified by MoD that through the pay scales for Chageman Pt-I & II cadre and Foreman Pt I & II cadre in AOC has been notified vide Part 'C' of MoD Notification dated 09 Oct 1997 however, the introductory portion of Part 'C' of the notification specifies that in cases where there are conditions prescribed by the Pay Commission as pre-requisite for grant of these scales such as cadre restructuring, redistribution of posts etc, will have to be met before the new scales are applied to these posts. Therefore since restructuring of the cadre in respect of Tech Supervisory Staff in the AOC is yet to be implemented these scales will have to take prospective effect.

3. It is further clarified that till such time these prescribed conditions are met and the revised structure gets implemented the two existing categories of chagemen and Foreman will be entitled to the following replacement scales which will be effective from 01 Jan 1996 :-

	Grade	Pre revised scale	Replacement scale
(a) Chagemen (Pt I & II cadre)	S-8	1400-40-1800-50 2300	4500-125-7000
(b) Foreman (Pt I & II cadre)	S-9	1600-50-2300-60 2660	5000-150-8000

Contd... P. 2/-

*Amal*  
*[Signature]*  
*Amal*

- 4. A copy of the clarification received from the Min. of Defence vide their note dated 18 Nov 2003 along with a copy of ready reckoner for fixation of replacement scales in Grades S-8 and S-9 is forwarded herewith for information and necessary action.
- 5. AOC Records is hence requested to circulate the clarified posh to all concerned and cancel/publish part-II orders accordingly.
- 6. This letter supersedes all previous letters on the subjects.

Sd/-xxxxx  
 (HI Hussain)  
 Col  
 Dir OS (C & T)  
 for DG OS

Encls: As above

Copy to :-

CMM Jabalpur - for info please

AOC Centre  
 Secunderbad - 15

(All Central Depots)

*Attested*  
*[Signature]*  
*Asst. Dir*

Dt. 15/2/2004

No. 235/2004

NOTICE

(Under Rule 29 of the Central Administrative Tribunal  
Rules of Practice, 1993)

Original Application No. 235 / 2004 MA 320/2004

Applicant(s) *U.O.I.*

Respondent (s)  
U.O.I.

Represented by Advocate  
*S. D. Sharma*

Represented by Advocate

Sh.

Sh.

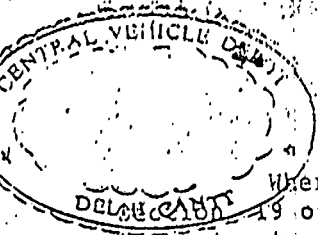
To

U.O.I., through the Secretary, M/o Defence,  
Govt. of India, New Delhi.



The D.G., Ordnance Services, *19/2/04* Ministry of Defence  
Branch, Army Headquarters, *General (CMU)*  
New Delhi 110 001, *303 D-1 Wing*  
The DIC Records, Army Ordnance Corps, *Delhi Cantonment*  
Tilakpuri, *500 015*

The Commandant, *Delhi Cantt*  
Delhi.



Whereas an application filed by the above named applicant(s) under  
19 of the Administrative Tribunals Act, 1985, as in the copy annexed  
hereunto, has been registered and upon Preliminary hearing the Tribunal has  
directed that you should be given an opportunity to show cause why the  
application should not be admitted, or why it should not be disposed of at the  
stage of admission itself, and if admitted, why it should not be disposed of  
at the subsequent stage without any further notice. In order to context the  
application, you may file your reply alongwith the documents in support  
thereof and after serving copy of the same on the applicant or his Legal  
Practitioner within 30 days of the receipt of this notice, and appeal before  
this Tribunal, either in person or through a Legal Practitioner/Presenting  
Officer appointed by you in this behalf.

Therefore, notice is hereby given to you to appear before this Bench  
of the Tribunal in person or through a Legal Practitioner/Presenting Officer in  
this matter at 1030 A.M. of the 15th day of  
February, 2004. If you fail to appear, the application will be heard  
and disposed of in your absence without any further notice to you.

Given under my hand and seal of the Tribunal this the 15th day  
of February, 2004.

Encls: Paper-book of OA &  
Copy of order dt. 13/2/2004

By order of this Tribunal  
*[Signature]*  
SECTION OFFICER  
JUDL. II  
FOR PRINCIPAL REGISTRAR

*[Handwritten signatures]*

2.2004  
3857/2004  
AA 3287/2004

Present: Shri G.D. Bhandari, Counsel for applicants

Learned Counsel for applicants states that the applicants had already filed OA-2657/2000 which was allowed on 20.2.2002. Thereafter, even the directions had been implemented. By virtue of the present OA, it is contended that the respondents are negating the relief already granted.

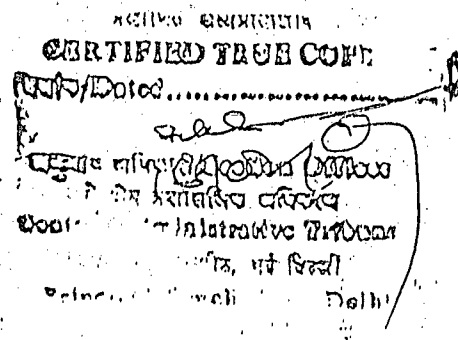
Short notice be issued to the respondents, returnable on 20.2.2004. Till then, the recovery of the alleged amount from the applicants is stayed.

Issue Dasti.

( S. K. Naik )  
Member (A)

( V. S. Aggarwal )  
Chairman

/sun/17



*Handwritten signature and initials*  
A. K. Arora  
Advocate

22 SEP 2004  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

39

Union of India + Ors - Respondents  
through -  
Mr. Central Govt. Secy  
22/9/04  
Guwahati

In the matter of :-  
G. A. No. 76 of 2004  
KAMALANBU PAUL & OTHERS  
... Applicant

- Versus -  
UNION OF INDIA & OTHERS  
... Respondents

WRITTEN STATEMENT FOR AND ON BEHALF OF  
RESPONDENTS NOS 1, 2, 3, 4 & 5

I, Col HJ Singh, Commandant, 222 APOB C/O 99 APO do hereby  
solemnly affirm and say as follows :-

1) That I am the Commandant, 222 APOB, C/O 99 APO, and as such  
fully acquainted with the facts and circumstances of the case. I  
have gone through a copy of the application and have understood the  
contents thereof. Save and except whatever is specifically admitted  
in this written statements the other contentions and statement may  
be deemed to have been denied. I am authorised to file the written  
statement on behalf of all the respondents.

2) That with regard to the statements made in paragraph 1 of  
the application, the respondents beg to state that AOC(R) Secunderab-  
ad through letter No. 29860/Prom/Tech/Vol-81/CA-6 dated 22nd December,  
2003 (State copy sent) has forwarded the copy of Army HQ letter  
No. A/26576/Tech-Super/OS-20 dtd. 10th December, 2003 (State copy  
sent) where in replacement scale Rs 4500-125-7000 has been granted  
to Charge man (Pt- I & II Cadre). Army HQ in consultation with the  
MOD, Govt. of India has modified the pay scale of Charge man (Pt-I  
& II Cadre) as Rs 4500-125- 7000/- and as such the ibid replacement  
pay scale will be applicable to the applicants. Further, it is  
stated that Army HQ vide ibid letter dated 10th December, 2003 has  
superseded all the previous correspondence in connection with the  
grant of replacement pay scale to the applicant and modified the  
replacement pay scale as Rs 4500-12-7000/-. AOC(R)

Contd. P/2-

Secunderabad vide letter No.29860/Prom/B/Tech/Vol-83/DA-6, dtd. 20th March,2004 has communicated that replacement pay scale of Rs.4500-125-7000/- is applicable to Tech supervisory staff and the pay scale of Rs.5000-8000/- will be made applicable to tech supervisory staff only on implementation of restructuring of four grade structure. The contention expressed in the para-1 of the application is totally denied.

- 3) That with regard to the statements made in paragraph 2 & 3 of the application, the respondents beg to state that the matter relating to the provisions of the Administrative Tribunal Act, 1985 and the rules made there under accordingly save (except) what appears there from, the respondents beg to offer no comments.
- 4) That with regard to the statements made in paragraph 4.1 and 4.2 of the application, the respondents beg to state that the same are matter of records. Nothing beyond record is admitted.
- 5) That with regard to the statements made in paragraph 4.3 of the application, the respondents beg to offer nothing.
- 6) That with regard to the statements made in paragraph 4.4 of the application, the respondents beg to state that fifth Central Pay Commission has recommended the four-grade structure scheme to Technical Supervisory staff but the same has not been implemented as far.
- 7) That with regard to the statements made in paragraph 4.5 of the application, the respondents beg to state that the same are matters of record and nothing beyond record is admitted.
- 8) That with regard to the statements made in paragraph 4.6 of the application, the respondents beg to state that Army HQ superseded the replacement scale for charge men pt I & II cadre as sanctioned earlier vide letter dated 10th December, 2003 and as such new replacement scale Rs.4500/125-7000/- will be applicable to the applicants. The respondents further state that recommendation of V CVC was approved by the Govt. of India and not accepted by the Govt. of India as stated by the Min of Defence. This approval was also subject to fulfillment of specific conditions related to recruitment rules, restructuring of cadres, redesignation of pools and higher grades etc. These conditions are yet to be implemented.

- 9) That with regard to the statements made in paragraph 4.7 and 4.8 of the application, the respondents beg to state that Ministry of Defence through the letters mentioned in the ibid para has communicated regarding introduction of four grade structure for technical supervisory staff in the Army Ordnance Corps. Now, the replacement scale of Rs.4500-125-7000/- is applicable to Tech Supervisory staff and the pay scale of Rs.5000-8000/- will be made applicable to Tech Supervisory Staff only on implementation of restructuring of four structure.
- 10) That with regard to the statements made in paragraph 4.9 of the application, the respondents beg to state that Army HQ has superseded the up-grade pay scale sanctioned earlier for the Charge man (Pt I & II Cadre) and modified the replacement scale as Rs.4500-125-7000/- vide letter dtd.10th Dec/2003 with the instructions to cancel the Part-II orders made in this connection by AOC (R) Secunderabad.
- 11) That with regard to the statements made in paragraph 4.10 of the application, the respondent beg to state that the same are matters of record and nothing beyond record is admitted.
- 12) That with regard to the statements made in paragraph 4.11 of the application, the respondents beg to state that Army HQ has superseded the pay scale as sanctioned earlier for Charge men and replacement pay scale have been modified as Rs.4500-125-7000/- and as such the applicants are entitled to receive the modified pay scale. The contention expressed in the para is totally denied since the Army HQ has superseded the earlier order issued on the subject.
- 13) That with regard to the statements made in paragraph 4.12 of the application, the respondents have nothing to submit.
- 14) That with regard to the statements made in paragraph 4.13 of the application, the respondents beg to refer to the statements made in the fore going paragraphs.
- 15) That with regard to the statements made in paragraph 4.14 and 4.15 and 4.16 of the application, the respondents beg to state that these are baseless and devoid of merit.
- 16) That with regard to the statements made in paragraph 4.17 and 4.18 of the application, the respondents have no comments to offer please.

17) That with regard to the statements made in paragraph 5 and 5.1 to 5.4 of the application, the respondents beg to state that due to the super session of the earlier order on the pay scale of Charge men by the Army HQ vide letter dtd. 10th Dec/2003 the previously sanctioned pay scale can not be granted to the applicants. However, the applicants are entitled to receive amended pay scale as notified by our Higher Headquarters.

18) That with regard to the statements made in paragraph 5.5 of the application, the respondents have no comments are offered please.

19) That with regard to the statements made in paragraph 5.6 to 5.9 of the application, the respondents beg to state that these are false, baseless and devoid of merit and hence denied.

20) That with regard to the statements made in paragraph-6 of the application, the respondents beg to no comments.

21) That with regard to the statements made in paragraph -7 of the application, the respondents beg to state that the same are matters of record and nothing beyond record is admitted.

22) That with regard to the statements made in paragraph-8 and 9 of the application, the respondents beg to state that due to the super session of the earlier order on the replacement pay scale of charge men (Pt I & II cadre) and granting of modified pay scale as Rs.4500-125-7000/- by the Army HQ through letter No.A/26576/Tech Super/OS-20, dtd. 10th Dec/2003, the upgraded/ revised pay scale can not be given to the applicants. The illegal prayer made by the applicants to stay the AOC (R) letter No.29860/Prom/Tech/Vol-81/CA-6, dtd. 22nd December, 2003 is baseless and unwarranted and be dismissed with cost.

23) That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs as devoid of merit.

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VERIFICATION

I, Col, H J Singh, Commandant, 222  
 ABCD, C/O, 99 APO, being duly authorised and competent  
 to sign this verification do hereby solemnly affirm and state  
 that the statements made in paragraphs / of the  
 application are true to my knowledge and belief, these made  
 in paragraphs 2 - 22 being matter of record are true  
 to my information derived there from and these made in the  
 rest are humble submission before the Hon'ble Tribunal. I have  
 not suppressed any materials facts.

AND I sign this verification on this the 4th day  
 of Aug 2004.

  
DEPONENT  
 (H J Singh)  
 Colonel  
 Commandant