

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 257 of 2002

Jabalpur, this the 7th day of May, 2003

Hon'ble Mr. R.K. Upadhyaya - Administrative Member  
Hon'ble Mr. J.K. Kaushik - Judicial Member

1. V.P. Rai son of Late C.L. Rai, aged 44 yrs.  
Tracer, STD Office, Vehicle Factory,  
Jabalpur, R/o 1424, Near Panchamatha  
Temple, GARHA, Jabalpur.
2. S.P. Singh son of Late J. Singh,  
Tracer, STD Office, Vehicle Factory,  
Jabalpur, aged 42, R/o Q.No. 2674,  
Sector-II Type-II, VFJ Estate,  
Jabalpur.
3. B.M. Dubey aged 51 yrs. son of Late  
S.N. Dubey, Tracer, RD Section, R/o  
Ganga Maiya, VFJ Estate, JABALPUR.
4. H.C. Jha, Aged 43 yrs. Late Ramdayal Jha,  
Tracer, STD Office Vehicle Factory  
R/o 2009, New Shobhapur, Rly. Crossing,  
Jabalpur.
5. Mukul Saha, Aged 42 yrs. Son of  
Late M.L. Saha, Tracer, STD Office,  
Vehicle Factory Jabalpur, R/o  
Manegaon, champa Nagar, Post: Khamaria,  
Jabalpur.
6. Nand Lal Aged 55 yrs son of Late Ram Briksh  
Tracer, E.O (Civil),  
Vehicle Factory Jabalpur, R/o Q.No.  
2721, Sector-II, Type-II, VFJ Estate,  
Jabalpur.


APPLICANTS

(By Advocate - Shri K. Dutta)

VERSUS

1. Union of India  
through the Secretary,  
Department of production,  
Ministry of Defence,  
New Delhi.
2. The Chairman,  
Ordnance Factory Board,  
10-A, Shaheed Khudiram Bose  
Road, Kolkata, Westbengal
- 3 The General Manager, Vehicle Factory,  
Jabalpur, M.P.

RESPONDENTS

 (By Advocate - Shri K.N. Pathia)


O R D E R (Oral)

By J.K.Kaushik, Judicial Member -

Shri V.P.Rai and five others have filed this Original Application for grant of the benefit of redesignation from Tracer to Draughtsman Grade-III and also to set aside the impugned order at Annexure-A-3. It has been prayed that the benefit of upgradation of pay be allowed as per the verdict of Madras Bench of this Tribunal in O.A.No.1214 of 1996 with further benefits after completion of five years service in the pay scale of Rs.3200-4900.

2. The short controversy involved in this case is that the applicants are employed as Tracer in Vehicle factory, Jabalpur. All of them are civilian and drawing the pay in the pay scale of Rs.4000-6000. The post of Tracer was redesignated to Draughtsman in the C.P.W.D. in the year 1973. Such redesignation was not given to the Tracers employed in Defence Establishment. There was an arbitration award on 20.5.1980 where the pay scales of Draughtsmen Grade-I, Grade-II and Grade-III were revised. Subsequently, the pay scale of the Draughtsmen working in the Ministry of Defence were also revised. However, the Ordnance Factory Board had declined to extend this benefit on the plea that the Draughtsmen working in the Ordnance Factory had no identical recruitment qualifications.

3. The matter was agitated by some of the similarly situated employees before the Madras Bench of this Tribunal and the same came to be allowed vide judgment dated 31.8.1999 in O.A.No.1214/1996, V.Irulappan & others Vs. Union of India and others, with the following observations-



Contd.....3/-

8. Admittedly, in this case, the respondents themselves have finally chosen to grant to the Tracers in the Ordnance Factories the pay scales applicable to Draughtsman Gr.III in CPWD and an order to that effect has been passed on 20.4.99. This However, fulfils the prayer of the applicants only partially, because the revision was ordered to take effect only from 20.4.99 and not as per the OM dated 19.10.94. As far as this question is concerned we find that the respondents have applied different standards in the case of Tracers and Draughtsman. In the case of draughtsman with special qualifications i.e. equivalent recruitment qualifications similar to that of Draughtsman in CPWD the office Memorandum dated 13.3.84 has been applied and in the case of other draughtsman OM dated 19.10.94 has been applied. The same benefit should be extended to the Tracer as well. There cannot be any discrimination. In fact the applicant tracers have prayed for the benefit of the memorandum dated 19.10.94 only and not 13.3.1984.

9. In view of the forgoing discussion we hereby direct the respondents to extend the benefit of OM dated 19.10.94 to the applicants in full with all consequential benefits as per the said memorandum. This direction should be complied with within a period of three months from the date of receipt of a copy of this order. The application is allowed as above. No costs.



Contd. 5. 4/-

4. The respondents have contested the case and have submitted a very strong objection to the claim of the applicants. However, subsequently, they have shown utter unfairness in the matter and have submitted that the matter is already under consideration in view of order dated 6.2.2001 which have been filed along with the application for final disposal of the OA i.e. MA 83/2003. The order clearly makes a mention that the judgment of CAT Chennai Bench has been upheld by the Hon'ble Supreme Court and other Benches of the Tribunal are likely to pass similar judgments in the matter. It is also mentioned that whenever such judgments are received, the Factory should implement the judgments in respect of the petitioners without referring the matter to the Ordnance Factory Board or waiting for OF Board's approval. In this view of the matter, the learned Counsel of the respondents have fairly submitted that the respondents do not have any serious objection since they themselves have taken a decision to grant the relief. However, it has been submitted that there is no direction by the Tribunal for redesignation of the Tracer as Draughtsman Grade-III.

5. We have considered the controversy in question and the arguments led on behalf of the parties. We are of the firm opinion that the controversy has already been resolved and a heavy reliance has been placed on the judgment of Madras (Chennai) Bench in V.Irulappan's case (supra). We have no hesitation to dispose of and decide this OA on the same lines on which the Madras Bench of this Tribunal has decided the matter.

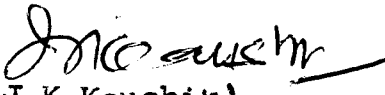
6. The O.A. is, therefore, allowed as under -

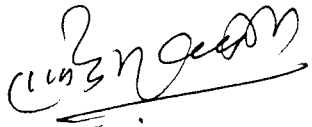
"In view of the foregoing discussion, we hereby direct the respondents to extend the benefit of OM dated 19.10.94 to the applicants in full with all consequential benefits as per the

contd..... 5/-

:: 5 ::

said memorandum. This direction should be complied with within a period of three months from the date of receipt of a copy of this order. No costs."

  
(J.K. Kaushik)  
Judicial Member

  
(R.K. Upadhyaya)  
Administrative Member


rkv.

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

परिचालित जाये जिस:-

- (1) सादर, जलपूर, जलपूर, जबलपुर
- (2) आदेश, जलपूर, जलपूर, जबलपुर के काउंसल K. Dutta, Adv.
- (3) फरार, जलपूर, जलपूर, जबलपुर के काउंसल KN Pethia, Adv.
- (4) जलपूर, जलपूर, जलपूर, जबलपुर के काउंसल

सूचना एवं आदेश, जलपूर, जबलपुर

  
उप सचिव  
13/5/03

Issued  
on 14.5.03  
SS