

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

ORIGINAL APPLICATION NO. 199 of 1998

Jabalpur, this the 26th day of March, 2003.

Hon'ble Mr. Shanker Raju, Member (Judicial)
Hon'ble Mr. R.K. Upadhyaya, Member (Admnv.)

: 1. Shri R.P. Vishwakarma,
S/o Late Shri J.P. Vishwa,
aged 42 years, T/No. 222 QAT-08971,
Examiner Skilled.

2. Shri RS Chouhan, S/o Late Shri
SS Chouhan, aged 48 years,
T/No. 038 QAT - 10858, Examiner
Skilled.

3. Shri KH Kushwaha, S/o Shri BL
Kushwaha, aged 47 years,
T/No. 012 QAT - 02959, Examiner
Skilled.

4. Shri Deepak Das, S/o Late Shri
BM Das, aged 44 years,
T/No. 014 QAT - 08865, Examiner
Skilled.

5. Shri Hemendra John, S/o Shri
Robert John, aged 50 years,
T/No. 032 QAT - 03216,
Examiner HS.II

6. Shri AN Singh, S/o Shri SP Singh,
aged 33 years, T/No. 050
QAT - 11260,
Examiner Skilled.

7. Shri A. Pathak, S/o Late Shri
GD Pathak, aged 48 years,
T/No. 062 QAT - 03484,
Examiner HS-I.

8. Shri BK Nagre, S/o Shri CR Nagre,
aged 42 years, T/No. 082 QAT - 10887
Examiner Skilled.

9. Shri RK Jha, S/o Late Shri KC Jha,
aged 47 years, T/No. 089
QAT - 01736,
Examiner HS I.

10. Shri PK Dutta, S/o Shri GC Dutta,
aged 45 years, T/No. 091
QAT - 04921, Examiner HS II

11. Shri PN Gupta, S/o Shri DP Gupta,
aged 45 years, T/No. 097 QAT - 09384,
Examiner Skilled.

12. Shri SN Bain, S/o Late Shri BN Bain,
aged 44 years, T/No. 098 QAT - 11191,
Examiner Skilled.

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: 13. Shri Imam Bux, S/o Shri Shekh Subraty, aged 53 years, T/No. 118 QAT - 04787, Examiner HS II.

14. Shri L.O. Bhangale, S/o Late Shri Omkar Bhangale, aged 48 years, T/No. 123 QAT - 04624, Examiner HS II.

15. Shri Madan Gopal, S/o Shri RK Mishra, aged 52 years, T No. 131 QAT 00926 Examiner HS I

16. Shri K. Govind, S/o Late Shri Govind Bhawani, aged 41 years, T/No. 133 QAT - 10952

17. Shri MM Naiyar, S/o Shri SP Naiyar, aged 45 years, T/No. 134 QAT - 6438 Examiner Skilled.

18. Shri BK Shukla, S/o Shri MP Shukla, aged 46 years, T/No. 137 QAT - 06193 Examiner Skilled.

19. Shri Essroon Singh, S/o Shri B Singh, aged 44 years, T/No. 138 QAT - 09385, Examiner Skilled.

20. Shri CS Khare, S/o Late Shri KN Khare, aged 48 years, T/No. 159 QAT - 01366, Examiner Skilled.

21. Shri AK Jain, S/o Late Shri Sone Lal Jain, aged 52 years, T/No. 164 QAT - 06983, Examiner Skilled.

22. Shri Ram Nath Pipara, S/o Late Shri Mohan Lal, aged 50 years, T/No. 170 QAT - 03529, Examiner Mastercraftsman.

23. Shri RS Narolia, S/o Late Shri BL Narolia, aged 52 years, T/No. 173 QAT - 01990, Examiner HS I.

24. Shri LN Singh, S/o Late Shri Mohan Singh, aged 50 years, T/No. 175 QAT - 03468, Examiner H. Skilled II.

25. Shri RM Garg, S/o Shri SP Garg, aged 40 years, T/No. 181 QAT - 10958, Examiner Skilled.

26. Shri MN Khan, S/o Late Shri M Nazeer Khan, aged 44 years, T/No. 191 QAT - 08828, Examiner Skilled.
27. Shri RK Ganesh, S/o Shri Pandurang, aged 43 years, T/No. 193 QAT - 08830, Examiner Skilled.
28. Shri IS Namdeo, S/o Late Shri ML Mandeo, aged 43 years, T/No. 194 QAT - 08831, Examiner Skilled.
29. Shri Jagjahir Singh, S/o Shri Badri Singh, aged 52 years, T/No. 195 QAT - 08832, Examiner Skilled.
30. Shri RK Vishwakarma, S/o Late Shri BR Vishwakarma, aged 47 years, T/No. 196 QAT - 08833, Examiner Skilled.
31. Shri Harish Kumar, S/o Shri Sunder Lal, aged 42 years, T/No. 200 QAT - 08878, Examiner Skilled.
32. Shri Ramdas Kurmi, S/o Shri Ruplal, aged 49 years, T/No. 204 QAT - 11207, Examiner Skilled.
33. Shri VSN Murthy, S/o Shri V Raghuram, aged 43 years, T/No. 209 QAT - 10947, Examiner Skilled.
34. Shri K. Bhattacharya, S/o Late Shri BK Bhattacharya, aged 37 years, T/No. 210 QAT - 10826, Examiner Skilled.
35. Shri ML Vishwakarma, S/o Shri RS Vishwakarma, aged 41 years, T/No. 212 QAT - 10771, Examiner Skilled.
36. Shri SN Chatterjee, S/o Shri AN Chatterjee, aged 38 years, T/No. 215 QAT - 10827, Examiner Skilled.
37. Shri AS Mishra, S/o Shri NP Mishra, aged 40 years, T/No. 218, QAT - 10966, Examiner Skilled.
38. Shri JL Singh, S/o Late Shri BD Singh, aged 41 years, T/No. 228 QAT - 09390, Examiner Skilled.

Consignor

39. Shri Ramesh T.R., S/o Late TR
aged 51 years,
T/No. 231 QAT 09393,
Examiner Skilled.
40. Shri IN Shukla, S/o Late Shri
VP Shukla, aged 42 years,
T/No. 236 QAT - 09488,
Examiner Skilled.
41. Shri DP Rajak, S/o Late Shri
DP Rajak, aged 43 years,
T/No. 237 QAT - 09489,
Examiner Skilled.
42. Shri Bhagwandeen, S/o Late
Shri Jhummi Lal, aged 46 years,
T/No. 242 QAT - 06133,
Examiner Skilled.
43. Shri S Roy, S/o Shri HP Roy,
aged 41 years,
T/No. 244 QAT - 10971,
Examiner Skilled.
44. Shri RG Ghanpuriya, S/o Shri
RP Ghanpuriya, aged 45 years,
T/No. 260 QAT - 10774,
Examiner Skilled.
45. Shri Mukhesh Kumar Tiwari,
S/o Mool Shankar, aged 42 years,
T/No. 265 QAT - 10800,
Examiner Skilled.
46. Shri KP Mishra, S/o Shri BP Mishra,
aged 41 years,
T/No. 266 QAT - 10801,
Examiner Skilled.
47. Shri KR Rao, S/o Late Shri K Ramdas,
aged 40 years,
T/No. 270 QAT - 10890,
Examiner Skilled.
48. Shri Kishan Lal, S/o Late Shri
Vittal, aged 39 years,
T/No. 272 QAT - 10892,
Examiner Skilled.
49. Shri SP Satnami, S/o Late Shri BP
Satnami, aged 42 years,
T/No. 273 QAT - 10853,
Examiner Skilled.
50. Shri US Rajput, S/o Shri KS Rajput,
aged 42 years,
T/No. 275, QAT - 10955,
Examiner Skilled.
51. Shri DC Thakur, S/o Shri Nanaklal,
aged 41 years,
T/No. 276 QAT - 10956,
Examiner Skilled.

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52. Shri SR Thakre, S/o Shri KR Thakra, aged 42 years, T/No. 283 QAT - 08835, Examiner Skilled.
53. Shri PK Mallick, S/o Late Shri PC Mallik, aged 36 years, T/No. 293 QAT - 11107, Examiner Skilled.
54. Shri RP Yadav, S/o Late Shri Ram Prasad, aged 42 years, T/No. 003 QAM - 09612, Examiner Skilled.
55. Shri UP Singh, S/o Late Shri SN Singh, aged 37 years, T/No. 004 QAM - 10822, Examiner Skilled.
56. Shri MS Sharma, S/o Shri TR Sharma, aged 48 years, T/No. 010 QAM - 02423, Examiner HS.II.
57. Shri SN Ojha, S/o Late Shri Bhagwan, Ojha, aged 45 years, T/No. 016 QAM - 07001, Examiner HS.II.
58. Shri MA Ansari, S/o Late Shri Abdul, Azis, aged 50 years, T/No. 017 QAM 08836, Examiner HS.II.
59. Shri George Hamilton, S/o Late Shri S.T. Ram, aged 50 years, T/No. 020 QAM - 00427, Examiner HS.II.
60. Shri Panna Lal, S/o Late Shri Maya Ram, aged 50 years, T/No. 025, QAM - 010241, Examiner Skilled.
61. Shri Bhagwant Singh, S/o Shri Pritam Singh, aged 58 years, T/No. 029 QAM - 11801, Examiner HS.II.
62. Shri BL Chakravarti, S/o Shri D.R. Chakravorti, aged 39 years, T/No. 040 QAM - 10953, Examiner Skilled.
63. Shri P.C. Vishwakarma, S/o Late Shri Babulal, aged 42 years, T/No. 043 QAM - 09622, Examiner Skilled.
64. Shri PK Shrivastav, S/o Late Shri Ram Prasad, aged 47 years, T/No. 044 QAM - 10959, Examiner Skilled.
65. Shri I.K. Tamrakar, S/o Late Shri Mahadeo Prasad, aged 50 years, T/No. 047 QAM-10778, Examiner Skilled.

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66. Shri T.P. Patel, S/o Shri Ranchandra, aged 40 years, T/No. 048 QAM - 10770, Examiner Skilled.

67. Shri K.D. Katare, S/o Shri Badri Prasad, aged 42 years, T/No. 058 QAM - 10914, Examiner Skilled.

68. Shri V.M. Ignatius, S/o Late Shri George Vaveenj, aged 39 years, T/No. 062, QAM - 0517, Examiner Skilled.

69. Shri S.K. Patel, S/o Late Shri Beni Prasad, aged 36 years, T/No. 007 QAL - 11452, Examiner Skilled.

70. Shri G Brown, S/o Late Shri Kamillo Brown, aged 44 years, T/No. 008 QAL - 10804, Examiner Skilled.

71. Shri V.F. Ajmirey, S/o Late Foolmal, Ajmirey, aged 47 Years, T/No. 010 QAL - 10716, Examiner Skilled.

72. Shri T.K. Bhattacharya, S/o Late Shri R.B. Bhattacharya, aged 41 years, T/No. 002 CATG - 10809, Examiner Skilled.

73. Shri V. Blaquier, S/o Late Shri C.W. Blaquier, aged 50 years, T/No. 003 QATG - 10909, Examiner Skilled.

74. Shri IL Yadav, S/o Shri SG Yadav, aged 45 years, T/No. 009 QATG - 10857, Examiner Skilled.

75. Shri KP Kachhi, S/o Shri C.L. Kachhi, aged 42 years, T/No. 011 QATG - 10908, Examiner Skilled.

76. Shri Maya Ram Uikkey, S/o Late Shri Kejja Ji, aged 45 years, T/No. 016 QATG - 08880, Examiner HS II.

77. Shri Philip Palmer, S/o Shri T.O. Palmer, aged 42 years, T/No. 018 QATG - 11862, Examiner Skilled.

78. Shri A.N. Kikaru, S/o Late Shri Narayan, aged 42 years, T/No. 012 QAE - 09395, Examiner Skilled.

79. Shri SB Audhane, S/o Shri K Shambhaji, aged 45 years, T/No. 015 QAE - 09396, Examiner Skilled.
80. Shri PK Chakraborty, S/o Shri K.C. Chakraborty, aged 36 years, T/No. 029 QAE - 10981, Examiner Skilled.
81. Shri RA Chouhan, S/o Late B Chouhan, aged 41 years, T/No. 049 QAE - 09008, Examiner Skilled.
82. Shri LN Verma, S/o Shri NR Verma, aged 43 years, T/No. 077 QAE - 08716, Examiner Skilled.
83. Shri WM Bawner, S/o Shri MS Bawne, T/No. 089 QAE - 06569, aged 47 years, Examiner Skilled.
84. Shri SS Thakur, S/o Shri HS Thakur, aged 44 years, T/No. 090 QAE - 06575, Examiner Skilled.
85. Shri Mohammed Khan, S/o Shri J Khan, aged 44 years, T/No. 096 QAE - 9492, Examiner Skilled.
86. Shri VK Singh, S/o Shri K Singh, aged 47 years, T/No. 102 QAE - 06959, Examiner Skilled.
87. Shri CSP Gautam, S/o Shri SS Gautam, aged 45 years, T/No. 130 QAE - 08860, Examiner Skilled.
88. Shri SK Vishwakarma, S/o Shri GD Vishwakarma, aged 44 years, T/No. 133 QAE - 08863, Examiner Skilled.
89. Shri Govind Prasad Rajput, S/o Shri Ramoutar Rajput, aged 45 years, T/No. 136 QAE - 08943, Examiner Skilled.
90. Shri AG Khan, S/o Late Shri AZ Khan, aged 43 years, T/No. 138 QAE - 08969, Examiner Skilled.
91. Shri ML Lodhi, S/o Shri GL Lodhi, aged 42 years, T/No. 141 QAE - 09560 Examiner Skilled.
92. Shri RK Dubey, S/o Shri DD Dubey, aged 42 years, T/No. 142 QAE - 09561, Examiner Skilled.

93. Shri HL Vaidya, S/o Late Shri RR Vaidya, aged 44 years, T/No. 144 QAE - 09563, Examiner Skilled.
94. Shri GP Patel, S/o Shri SL Patel, aged 46 years, T/No. 148 QAE - 09567, Examiner Skilled.
95. Shri KK Verma, S/o Shri CR Verma, aged 41 years, T/No. 149 QAE - 09568, Examiner Skilled.
96. Shri Mahmood Khan, S/o Shri Babu Khan, aged 43 years, T/No. 150 QAE - 09569, Examiner Skilled.
97. Shri DK Yadav, S/o Shri KP Yadav, aged 47 years, T/No. 152 QAE - 09571, Examiner Skilled.
98. Shri KK Sharma, S/o Shri BL Sharma, aged 44 years, T/No. 156 QAE - 09575, Examiner Skilled.
99. Shri NK Mazumdar, S/o Shri SK Mazumdar, aged 41 years, T/No. 156 QAE - 10799, Examiner Skilled.
100. Shri Yuv Raj Nagore, S/o Shri Sardar Nagore, aged 42 years, T/No. 169 QAE - 10913, Examiner Skilled.
101. Shri Jitesh Das, S/o Late Shri Jogesh Das, aged 38 years, T/No. 030 QAV - 11767, Examiner HS II.
102. Shri Ram Nath Dubey, S/o Shri Late Sunderlal, aged 45 years, T/No. 049 QAV - 03742, Examiner HS II.
103. Shri Gulab Rao Soni, S/o Shri M Rao aged 42 years, T/No. 071 QAV - 10749, Examiner Skilled.
104. Shri RS Thakur, S/o Late Shri Chandra Singh, aged 37 years, T/No. 074 QAV - 10977, Examiner Skilled.
105. Shri SK Kashyap, S/o Late Shri DS Kashyap, aged 37 years, T/No. 082 QAV - 11102, Examiner Skilled.

106. Shri RN Dutta, S/o Shri SK Dutta, aged 38 years, T/No. 101 QAV - 11785, Examiner HS II.
107. Shri NK Chouhan, S/o Shri Ratti Lal, aged 40 years, T/No. 128 QAV - 10961, Examiner Skilled.
108. Shri M Azadur Raheem S/o Late Shri Md F Raheem, aged 45 years, T/No. 131 QAV - 08855, Examiner Skilled.
109. Shri S.H. Ali, S/o Late Shri Hafiz Ali, aged 44 years, T/No. 148 QAV - 11200, Examiner Skilled.
110. Shri GD Sarathe, S/o Shri Lalta Prasad, aged 44 years, T/No. 154 QAV - 09583, Examiner Skilled.
111. Shri SK Chaturvedi, S/o Shri I.D. Chaturvedi, aged 43 years, T/No. 200 QAV - 05831, Examiner Skilled.
112. Shri VK Mishra, S/o Shri MM Mishra, aged 45 years, T/No. 231 QAV - 10810, Examiner Skilled.
113. Shri SK Soni, S/o Late Shri BV Soni, aged 44 years, T/No. 235, QAV - 10805.
114. Shri BL Dey, S/o Late Shri NC Dey, aged 48 years, T/No. 245 QAV - 10034, Examiner Skilled.
115. Shri Satish Kumar Rajput, S/o Late Shri Ram Singh Rajput, T/No. 180 QAV - 9258, Examiner Skilled.
116. Shri Preetam Khatik, S/o Late Shri Jagannath, aged 45 years, T/No. 44 QAT - 10886, Examiner Skilled.
117. Shri SS Shukla, S/o Late Shri UD Shukla, aged 40 years, T/No. 203 QAT - 11202, Examiner Skilled.
118. Shri RC Kushwaha, S/o Late Shri Pachilal, aged 40 years, T/No. 194 QAV - 11798, Examiner HS II.
119. Shri Man Singh Tomar, S/o Shri Sant Singh, aged 42 years, T/No. 02 QAV 10864, Examiner Skilled.

120. Shri D. Datta, S/o Shri B.C. Datta,
aged 38 years, T/No.0252 QAV- 10842,
Examiner Skilled.

(Applicants No.1 to 120 are employees
of Vehicle Factory, Jabalpur).

-APPLICANTS

(By Advocate- None)

Versus

1. Union of India through
Secretary, Ministry of Defence,
New Delhi- 11.
2. Chairman, Ordnance Factory Board,
10-A, Auckland Road,
Calcutta-700 001.
3. General Manager,
Vehicle Factory, Jabalpur.

-RESPONDENTS

(By Advocate- Mr.B.da.Silva)

O R D E R (ORAL)

By R.K.Upadhyaya, Member (Admnv.):

The applicants have filed this O.A. seeking a direction to the respondents to pay them the incentive bonus at par with the Industrial Employees of the Production Shop retrospectively and/or for a direction to the respondents to formulate a scheme for payment of incentive to the Examiners working in the department of the respondents.

2. It is claimed by the applicants that they are working as Industrial Employees on the post of Examiners in the Quality Assurance Department of Vehicle Factory. It is claimed by the applicants that industrial employees are divided into three groups working in the Production Shop, Quality Assurance and Maintenance Shop. It is claimed that service conditions of all the employees working in the said sections of respondent factory are same in so far as their appointment procedure, working hours, pay-scales, promotion policies etc., are concerned. The Industrial Employees posted

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in the production section are producing the components from raw materials to the finished stage. Production Industrial Employees are subjected to produce minimum number of specified components within the specified time boost according to their grades. In order to ~~max~~-production, respondent factory has provided a scheme termed as 'Piece Work' for production employees only. According to this scheme, if the production employee produces more than the specified number of components for a particular operation, he gets extra wages for the increased number of components as per their scale. The benefit of this incentive is not extended to the applicant. According to the applicants, in spite of fact that Examiner also works in the same proportion as a Production Industrial Employee works. Since the request of the applicants have been rejected by the respondents, the applicants have filed this Original Application before this Tribunal.

3. The respondents in their reply have contested the claim of the applicants. It has been stated that the service conditions of employees working in the Production and Maintenance Group cannot be compared with the employees of Quality Assurance side. The persons working on the Production side are in fact the persons, who are producing material and who do the job of production of material. The scheme of incentive is linked with production. The applicants are not covered under the scheme. Therefore, question of granting them any incentive bonus at par with Industrial Employees of the production Shop does not arise.

4. We have heard the learned counsel for the respondents and have perused the material available on record.

5. A similar matter came up for consideration before this Tribunal in the case of Bank Note Mudranalaya Shramik Sangh Dewas & another Vs. Union of India & another, in OA No.967/1997, wherein this Tribunal by an order dated 19.2.2003 while rejecting the claim of the incentive scheme ordered as follows:-

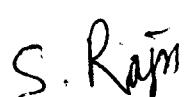
"4. We have heard Miss. Vandana Kasrekar learned counsel for the applicant and Shri B.Dasilva learned counsel for the respondents. Shri Dasilva contended that such matter was out of jurisdiction of this Tribunal as it was not a service matter and in support of his claim he placed reliance on AIR 2001 SC Page 3288, wherein it was held that the scheme of reward to officers and the Staff of Government is out side the jurisdiction of this Tribunal. In paragraph 9 of the said judgment, it has been held that "under section 14 of the Administrative Tribunal Act, 1985, the Tribunal had jurisdiction power and authority in relation to service matter. 'Service matters' include remuneration (including allowances), pension and other retiral benefits. The reward amount was purely ex-gratia payment. It is difficult to treat it as a condition of service."

5. Relying on the aforesaid Hon'ble Supreme Court's judgment we find and hold that the claimed incentive allowance and allegation of discrimination is not service matter to be adjudicated by this Tribunal and accordingly this Original Application is dismissed on the ground of lack of jurisdiction. There will be no order as to cost."

We are in respectful agreement with the decision of the Division Bench of this Tribunal in OA No.967/1997. The facts in the present case and in that case are similar, for the same reasons we find no merit in the claim made by the applicants in this Original Application. Therefore, the same is dismissed without any order as to costs.



(R.K. Upadhyaya)
Member (Admnv.)



(Shanker Raju)
Member (Judicial)