

CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH
KOLKATA

O.A.No. 350/01517/2014
OA No. 350/01523/2014
OA No.350/01524/2014
OA No.350/01525/2014

Date of Hearing: 02.06.2016
Date of Order : 22.06.2016

Present :

The Hon'ble Mr Justice Vishnu Chandra Gupta, Judicial Member
The Hon'ble Ms Jaya Das Gupta, Administrative Member

1. O.A. 350/01517/2014

Sri Pradip Mahapatra, son of Late Trinath Mahapatra, aged about 40 years, Working for gain as Master Craftsman, (Millwright) under the General Manager, Rifle Factory Ichapur, North 24 Parganas, West Bengal and residing at Majherpara, Debitala Road, P.O. Nowabaganj, District North 24 Parganas, West Bengal-743144.

.....Applicant

-Vs-

1. Union of India service through the Secretary, Ministry of Defence, Department of Defence Production, Having its office at South Block, New Delhi - 110011.
2. Ordnance Factory Board Service, Through the DGOF & Chairman, Ordnance Factory Board. 10-A, S.K. Bose Road, Kolkata-700001.
3. The General Manager, Rifle Factory, Ichapur, North 24 Parganas, West Bengal-743144.
4. The Under Secretary, D(Civ.I) Ministry of Defence, Sana Bhawan, New Delhi-110011.
5. The Jt. General Manager/Admn, Rifle Factory, Ichapur, Nawabganj, North 24 Parganas, West Bengal- 743144.

.....Respondents

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2. OA No. 350/01523/2014

Sri Birendra Nath Singh, son of Late R.N.Singh, aged about 49 years, Working for gain as Master Craftsman, (Machinist) under the General Manager, Rifle Factory Ichapur, North 24 Parganas, West Bengal and residing at Majherpara, Debitala Road, P.O. Nowabaganj, District North 24 Parganas, West Bengal-743144.

.....Applicant

-Versus -

1. Union of India service through the Secretary, Ministry of Defence, Department of Defence Production, Having its office at South Block, New Delhi - 110011.
2. Ordnance Factory Board Service, Through the DGOF & Chairman, Ordnance Factory Board. 10-A, S.K. Bose Road, Kolkata-700001.
3. The General Manager, Rifle Factory, Ichapur, North 24 Parganas, West Bengal-743144.
4. The Under Secretary, D(Civ.I) Ministry of Defence, Sana Bhawan, New Delhi-110011.
5. The Jt. General Manager/Admn, Rifle Factory, Ichapur, Nawabganj, North 24 Parganas, West Bengal- 743144.

.....Respondents

3. OA No. 350/01524/2014

Sri Parichay Kundu, son of Late Nirmal Kundu, aged about 48 years, Working for gain as Master Craftsman, (Machinist) under the General Manager, Rifle Factory Ichapur, North 24 Parganas, West Bengal and residing at Majherpara, Debitala Road, P.O. Nowabaganj, District North 24 Parganas, West Bengal-743144.

.....Applicant

-Versus-

1. Union of India service through the Secretary, Ministry of Defence, Department of Defence Production, Having its office at South Block, New Delhi - 110011.
2. Ordnance Factory Board Service, Through the DGOF & Chairman, Ordnance Factory Board. 10-A, S.K. Bose Road, Kolkata-700001.

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3. The General Manager, Rifle Factory, Ichapur, North 24 Parganas, West Bengal-743144.
4. The Under Secretary, D(Civ.I) Ministry of Defence, Sana Bhawan, New Delhi-110011.
5. The Jt. General Manager/Admn, Rifle Factory, Ichapur, Nawabganj, North 24 Parganas, West Bengal- 743144.
.....Respondents

4. OA No. 350/01525/2014

Shri Pradip Basu, Son of Late Krishnadas Basu, aged 44 years, working for gain as Master Craftsman (Machinist), under the General Manager, Rifle Factory, Ichapur, North 24 Parganas, West Bengal and residing at Bidhanpalli, Ichapur, PO. Nawabganj, Dist. North 24 Parganas, West Bengal-743144.

.....Applicant

-Versus-

1. Union of India service through the Secretary, Ministry of Defence, Department of Defence Production having its office at South Block, New Delhi-110 011.
2. Ordnance Factory Board Service through the DGOF & Chairman, Ordnance factory Board, 10-A, S.K.Bose Road, Kolkata-700001.
3. The General Manager, Rifle Factory, Ichapur, North 24 Parganas, West Bengal-743 144.
4. The Joint General Manager/Admn., Rifle Factory, Ichapur, Nawabganj, North 24 Parganas, West Bengal-743144.

.....Respondents

COUNSEL FOR THE APPLICANTS : MR.N.P.BISWAS, ADVOCATE
COUNSEL FOR THE RESPONDENTS : MR.P.MUKHERJEE, ADVOCATE

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ORDER

MS. JAYA DAS GUPTA, AM.

All these Original Applications are analogous and similar question of law and facts are involved hence they are being decided by this common judgment.

2. The case of the Applicant in OA No. 350/01517/2014 (Shri Pradip Mahapatra), in brief, is that he was appointed to the post of Semi Skilled Millwright on 22.01.1992 under the Respondent-Department on training. Thereafter, he was placed to the Skilled Grade on 31.01.1994 and again to Highly Skilled Grade/Millwright on 09.02.1999 on promotion. He was placed in the grade of Master Craftsman on 17.06.2005. His pay was revised and fixed at Rs. 9300/- plus GP Rs. 4200/- w.e.f. 01.01.2006 as per the report of the 6th CPC. He has submitted a representation on 7th July, 2014 praying therein that his case is to be treated as one promotion only from Skilled to High Skilled on 09.02.1999 and accordingly he should be granted the benefit of financial up gradation under MACP after completion of ten years of service with effect from 09.02.1999. The said request of the applicant having been rejected vide letter dated 20.08.2014 he has approached this Tribunal in the instant OA Under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

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- a) An order/direction may be issued to cancel, withdraw and/or rescind the impugned order No. 1896/1-C/6th CPC/LB/MACP dated 20.08.2014 and as contained at Annexure-A/7.
- b) An order/direction may be issued directing that the impugned order dated 06.02.2014 issued by the Under Secretary, MOD, stating that placement of Highly Skilled Workers as Master Craftsman (MCM) prior to 01.01.2006 would be offset against one up-gradation for the purpose of grant of MACP benefits, is arbitrary and illegal being violative of Article 14 and 16 of the Constitution.
- c) An order/direction may be issued to the respondents to forthwith grant 2nd MACP benefits/upgradation to the applicant with effect from 09.02.2009 i.e. after completion of continuous service of 10 years from the date of promotion to Highly Skilled Grade and pay all the consequential arrears of pay and allowances based on such up-gradation.
- d) An order directing the official respondents to produce all the relevant records pertaining to the case before the Hon'ble Tribunal for proper adjudication of the matter."

3. The case of the Applicant in OA No. 350/01523/2014 (Shri Birendra Nath Singh), in nut shell, is that he was appointed to the post of Semi Skilled Millwright on 20.09.1995 under the Respondent-Department on training. Thereafter, he was placed to the Skilled Grade on 26.09.1997 and again to Highly Skilled Grade/Millwright on 18.03.2001 on promotion. He was placed in the grade of Master Craftsman on 20.05.2003. His pay was revised and fixed at Rs. 9300/- plus GP Rs. 4200/- w.e.f.

01.01.2006 as per the report of the 6th CPC. He has submitted a representation on 7th July, 2014 praying therein that his case to be treated as one promotion only from Skilled to High Skilled on 18.03.2001 and accordingly he should be granted the benefit of financial up gradation under MACP after completion of ten years of service with effect from 18.03.2001. The said request of the applicant having been rejected vide letter dated 20.08.2014 he has approached this Tribunal in the instant OA Under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- a) An order/direction may be issued to cancel, withdraw and/or rescind the impugned order No. 1896/1-C/6th CPC/LB/MACP dated 20.08.2014 and as contained at Annexure-A/7.
- b) An order/direction may be issued directing that the impugned order dated 06.02.2014 issued by the Under Secretary, MOD, stating that placement of Highly Skilled Workers as Master Craftsman (MCM) prior to 01.01.2006 would be offset against one up-gradation for the purpose of grant of MACP benefits, is arbitrary and illegal being violative of Article 14 and 16 of the Constitution.
- c) An order/direction may be issued to the respondents to forthwith grant 2nd MACP benefits/upgradation to the applicant with effect from 09.02.2009 i.e. after completion of continuous service of 10 years from the date of promotion to Highly Skilled Grade and pay all the consequential arrears of pay and allowances based on such up-gradation.
- d) An order directing the official respondents to produce all the relevant records pertaining to the

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case before the Hon'ble Tribunal for proper adjudication of the matter.

4. The case of the Applicant in OA No. 350/1524/2014 (Shri Parichay Kundu), in short, is that he was appointed to the post of Semi Skilled Millwright on 02.12.1995 under the Respondent-Department on training. Thereafter, he was placed to the Skilled Grade on 23.12.1997 and again to Highly Skilled Grade/Millwright on 18.03.2001 on promotion. He was placed in the grade of Master Craftsman on 20.05.2003. His pay was revised and fixed at Rs. 9300/- plus GP Rs. 4200/- w.e.f. 01.01.2006 as per the report of the 6th CPC. He has submitted a representation on 12.09.2014 praying therein that his case is to be treated as one promotion only from Skilled to High Skilled on 18.03.2001 and accordingly he should be granted the benefit of financial up gradation under MACP after completion of ten years of service with effect from 18.03.2001. The said request of the applicant having been rejected vide letter dated 15.10.2014 he has approached this Tribunal in the instant OA Under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- a) An order/direction may be issued to cancel, withdraw and/or rescind the impugned order No. 1896/1-C/6th CPC/LB/MACP dated 20.08.2014 and as contained at Annexure-A/7.
- b) An order/direction may be issued directing that the impugned order dated 06.02.2014 issued by the Under Secretary, MOD, stating that placement of Highly Skilled Workers as Master Craftsman (MCM)

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prior to 01.01.2006 would be offset against one up-gradation for the purpose of grant of MACP benefits, is arbitrary and illegal being violative of Article 14 and 16 of the Constitution.

c) An order/direction may be issued to the respondents to forthwith grant 2nd MACP benefits/upgradation to the applicant with effect from 09.02.2009 i.e. after completion of continuous service of 10 years from the date of promotion to Highly Skilled Grade and pay all the consequential arrears of pay and allowances based on such up-gradation.

d) An order directing the official respondents to produce all the relevant records pertaining to the case before the Hon'ble Tribunal for proper adjudication of the matter.

5. The applicant in OA No. 350/01525/2016 (Sri Pradip Basu) has approached the Central Administrative Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"a) An order/direction may be issued to cancel, withdraw and/or rescind the impugned order No.1896/1-C/6th CPC/LB/MACP dated 20.08.2014 and as contained at Annexure -A/7.

b) An order/direction may be issued directing that the impugned order dated 06.02.2014, issued by the Under Secretary, MOD, stating that placement of highly Skilled Workers as master Craftsman(MCM) prior to 01.01.2006 would be offset against one upgradation for the purpose of grant of MACP benefits, is arbitrary and illegal being violative of Article 14 and 16 of the Constitution.

c) An order/direction may be issued to the respondents to forthwith grant 2nd MACP benefits /up-gradation to the applicant with effect from 18.03.2011 i.e. after

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completion of continuous service of 10 years from the date of promotion to Highly Skilled Grade and pay all the consequential arrears of pay and allowances based on such up-gradation.

- d) An order directing the official respondents to produce all the relevant documents/records pertaining to the case before the Hon'ble Tribunal so that conscionable justice may be done in the instant matter.
 - e) Costs pertaining to this application.
 - f) And to pass such further or other order or orders as this Hon'ble Tribunal deems fit and proper."
2. Heard both sides and consulted the records.

It is the case of the applicant (Shri Pradip Basu in OA No. 1525/2014) that he was appointed as a direct recruit to the post of Semi Skilled Workman in the Machinist Trade, Rifle Factory, Ichapur and after completion of two years in the semi skilled grade, which is considered to be a training grade, he was placed in the Skilled Grade w.e.f. 30.09.1992. This movement from semi-skilled grade to the Skilled Grade is not a promotion as per the existing rules. The applicant then, after completing the necessary qualifying service in the Skilled Grade and after passing the prescribed trade test, was promoted to the post of Highly Skilled Machinist w.e.f. 18.03.2001.

6. The Government of India, Ministry of Defence issued a Government order dated 20.05.2003 regarding "Restructuring of the Artisan Staff in Defence Establishments in modification of recommendations of the Vth CPC" and such restructuring was

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modified w.e.f. 01.01.1996. As a result of such restructuring, the hierarchy in the establishment was as follows:-

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|---------------------|---|
| 1. Skilled | (Rs.3050-4550) : 45% |
| 2. Highly Skilled | (Rs.4000-6000) : 55% |
| 3. Master Craftsman | (Rs.4500-7000) : 25% of Highly Skilled' Grade posts will be placed in the grade Of Master Craftsman. They will however, not be part of the hierarchy. |

It is to be noted that during the period of Vth Central Pay Commission, the post of Master Craftsman is not a part of the hierarchy and the placement in this regard shall not be treated as promotion from Highly Skilled Grade either under normal Recruitment Rules or under ACP Scheme. Accordingly, from 20.05.2003 the applicant was placed in the grade of Master Craftsman in the pay scale of Rs.4000-7000. The next development in the career of the applicant was introduction of the VIth Central Pay Commission recommendations and consequent Government orders from 01.01.2006 and the applicant was placed in the pay band of PB-2 at Grade Pay of Rs.4200/- in the revised pay scale under VIth CPC from 01.01.2006.

The Joint Director/NI & I for Director General of Ordnance Factories, Government of India, Ministry of Defence, Ordnance Factory Board, Kolkata issued a letter dated 13th December, 2010, regarding "Restructuring of the Artisan Staff in Defence Establishments in modification of recommendations of the 6th CPC", (Annexure R-3 to the Reply) which reads as under:-

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"No.01/CR/A/J/658

Dated the 13th Dec, 2010

To

All Sr. General Manager/General Manager ,
Ordnance and Ordnance Equipment Factories
 Principal Director,
 National Academy of Defence Production ,
Ambajhari

Sub : Restructuring of Cadre of Artisan Staff in
 Defence Establishments in modification of
 recommendations of 6th CPC.

Ref : (i) M of D letter No.11(5)/2009-D(Civ.I) dtd.14th
 June,2010

(ii) M of D.I.D. No. 11(5)/2009-D(Civ.I) dated 13th
 Oct., 2010

(iii) M of D.I.D. No.11(5)/2009-D(Civ.I) dated 1st
 Dec. 2010.

Copies of the M of D letters of reference on the above
 subject are forwarded herewith for necessary action.

As per reference (i), the grade structure in the
 Industrial Cadre has been revised as under:-

- (1) As per para -2 of the Mof D letter at reference (i) the
 grade structure of the Industrial Cadre and the pay
 scales/ Pay Bands and grade pays shall stand modified
 w.e.f. 01.01.2006 as under:-

SL No.	GRADE	PAY BAND	GRADE PAY
I	SKILLELD	PB-1, Rs.5,200-20,200	Rs.1,900/-
II	HIGHLY SKILLED GRADE-II	PB-1, Rs.5,200-20,200	Rs.2,400
III	HIGHLY SKILLED GRADE-I	PB-1 Rs.5,200-20,200	Rs.2,800/-
IV	MASTER CRAFTSMAN	PB-2, Rs.9,300-34,800	Rs.4,200/-

Ordnance factories, in the Industrial Trades the
 existing grade structure was in the ratio of 45:55 for the
 erstwhile skilled and High Skilled grades and 25% of High
 Skilled grade posts were in the grade of Master Craftsman in
 accordance with M of D letter no.11(1)/2002/D(Civ.I)
 dt.20.05.2003.

- (3) Consequent upon the issue of Mof D letter
 No.11(5)/2009-D(Civ.I) dated 14.06.10, the ratio of the



grades in the Industrial trades shall be as per para 3(a) of the said letter with effect from 01.01.2006 and the same is as follows:-

- (i) 45% of the posts may be granted the pay scale/Pay Band & Grade Pay of Skilled Worker (Grade Pay of Rs.1,900 in the Pay Band PB-1);
- (ii) 25% of the remaining 55% posts may be granted the pay scale/Pay Band & Grade Pay of MCM (Grade Pay of Rs.4,200 in the pay band PB-2) and
- (iii) The remaining posts may be divided in a ratio of 50:50 and redesignated as Highly Skilled Worker Grade-II (Grade Pay of Rs.2,400 in Pay Band PB-1) and Highly Skilled Worker Grade-I (Grade Pay of Rs.2,800 in Pay Band PB-1)

The revised ratio/percentage of different grades in the industrial trades is summarized as follows:

Sl.No.	Grade	Percentage
I	Skilled	45
II	H.S-II	20.625
III	H.S.-I	20.625
IV	MCM	13.75

(4) (i) The factory should work out the trade wise revised inter-grade ratio on the sanctioned/authorized strength as on 01.01.06 in the ratio as mentioned in Para 3 above as clarified vide M of D letter at ref(II). If there are non-viable trades having meager number of workers (say less than five), those trades should be grouped together to arrive at available ratio.

(ii) The posts of Highly Skilled shall be split w.e.f. 01.01.06 in the Ratio mentioned at 3(iii).

(iii) Highly Skilled employees (Including those who were wasted out due to retirement, death etc.) shall be re-designated as H.S.-I & H.S.-II Grade in the corresponding Pay Scale/Pay Band & Grade Pay due to splitting as per the aforesaid ratio. Necessary Factory Order may be published accordingly.

- (iv) The senior most Highly Skilled Employees shall be placed in H.S. Gr.I as per revised ratio calculated on the sanctioned /authorized strength.

The remaining Highly Skilled employees shall be placed in HS Gr.II. Resultant shortfall in HS Gr.II due to the said prescribed ratio of the sanctioned/authorized strength shall be filled up by promotion from existing skilled grade from the date of occurrence of vacancies.

- (v) Highly Skilled Grade-I shall be en-bloc senior to Highly Skilled Grade-II and separate seniority lists should be prepared for Highly Skilled Gr.I & Highly Skilled Gr.II trade wise. The said seniority lists will be circulated to all concerned.
- (vi) The placement of the individuals in the posts resulting from the above restructuring shall be made w.e.f. 01.01.2006. In relaxation of the conditions, if any, i.e. trade test, DPC, qualifying service etc. , as one time measure till the date of the issue of this order. However, no relaxation is to be given for DGOF competency test for Electrical Trades/Boller Attendant Trades except as provided in Rules/Instructions.
- (vii) The post of Master Craftsman shall be the post of the hierarchy and the placement of Highly Skilled Grade-I in the grade of Master Craftsman will be treated as promotion.
- (viii) Placement of 50% of the existing Highly Skilled Workers (Grade Pay : Rs.2400) as Highly Skilled Worker Grade-I (Grade Pay:Rs.2800) w.e.f. 01.01.2006 will be treated as promotion for the purpose of ACP.
- (ix) While implementing the instructions, factory should ensure that placements are made within the stipulated ratio prescribed vide Mof D letter under reference (i).

5. While carrying out the restructuring as per the Mof D letter at reference (i), financial up-gradation (in the pay scale of Rs.5,000-8,000) granted to the Highly Skilled Workers (in the pay scale of Rs.4,000-6,000) between the period from 01.01.2006 to 31.08.2008 under ACP Scheme of August, 1999, will not be withdrawn as a onetime measure as clarified vide M of D letter at ref.(iii).

6. In view of the above restructuring, the artisan staff may be allowed to give revised option for pay fixation from 01.01.2006 onwards within three months from the date of issue of this order.

7. Necessary amendments to the existing SRO to the extent as laid down in the Govt. Order at reference is under process and will be notified in due course. Till such time, provisions of existing SRO and Govt. Instructions on the subject should be followed.

The factories should implement the above operating instructions within one month of the issue of this order and after completion of the above exercise, factories should forward trade and grade wise existing strength (after promotion) to this Hqrs. duly vetted by LAO within two months of the issue of the order positively. Matter should be accorded top priority.

This issues with the concurrence of P.C. of A(Fys.), Kolkata vide their letter No.Pay/Tech.II/04 dated 08.12.10 and with the approval of DGOF & Chairman/OFB.

Encl : As above

(A.K. DAS)
Jt. Director /NI & I
For Director General, Ordnance Factories"

7. Accordingly, it is the contention of the applicants that since they were in the grade of Master Craftsman, prior to 01.01.2006 which was a part of the Highly Skilled cadre in the 5th CPC period, such status is automatically continuing during the 6th CPC period and they cannot be thought as belonging to hierarchy of Artisans grade now which came into effect only from 01.01.2006.

8. The learned Counsel appearing for the Respondents submitted Government order No. 01/CR/Vol.III/A/II/658 dated 15.07.2011 showing that the post of Master Crafts Man is the

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feeder post of Charge man (Tech.). The relevant portion of the order dated 15.07.2011 is reproduced herein below for ready reference:

"Government of India,
Ministry of Defence,
Ordnance Factory Board,
Ayudhbhavan,
10A, Shaheed Khudirasm Bose Road,
Kolkata-700 001.
No.01/CR/Vo.II/A/II/658 Dt.15.07.2011.
To
All Sr. General Manager/General Manager,
Ordnance and Ordnance Equipment Factories,

Sr. Principal Director, National Academy of
Defence Production, Ambajhari,

Sub: Restructuring of cadre of Artisan Staff in
Defence Establishment in modification of
recommendations of 6th CPC;

Ref: 1) OFB Letter No.01/CR/A/II/658 dated
31.12.2010;
2) OFB letter No. 01/OR/Vol.III/A/II/658
dated 21.02.2011;
3) OFB letter No.01/CR/Vol.III/A/II/658
dated 01.04.2011.

Further to the issuance of OFB's letter at
reference (3) regarding induction to the post of
Charge man (Tech.) the matter has been re
examined.

It has since been decided that
vacancies of Charge man (Tech) against
promotion quota as prescribed in SRO will be
filled up by the incumbents in the grade of
Master Craftsman and H.S. Gr. I and seniority
will be counted from the date of holding the
grade of HS/HS Gr.I. In case of Master
Craftsman, the Seniority should be counted
from the date of holding HS Grade upto
31.12.2005 for those employees who became
Master Craftsman prior to 01.01.2006. In case
of those who have become Master Craftsman on
and after 01.01.2006, the seniority of HS Gr.I
should be counted. Furthermore, pay fixation

benefit under FR 22 (I)a(i) will not be admissible for promotions from Master Craftsman to Charge man (Tech.).

Accordingly, OFB's letters at reference above stand superseded.

This issues with the approval of
DGO/Chairman, Ordnance Factory Board.

Sd(S.K.Pattanayak)

DDG/IR

For D.G.O.F.

9. The Respondent authorities have also referred to office note sheet of the Under Secretary, Govt. of India, Ministry of Defence on the subject matter of restructuring of cadre of Artisan staff in Defence Establishments in modification of the recommendations of the 6th CPC – clarification regarding. This note is extracted herein below for ready reference:

"2. DOP&T have clarified the points as under:

(a) Para 8 of Annexure-I of DoP&T OM No. 35034/3/2008-Estt.(D) dated 19.5.2009 of MACPS provides that promotion earned in the post carrying same grade pay in the promotional hierarchy as per recruitment rules shall be counted for the purpose of MACPS. **Financial up gradation under MACPS in respect of Master Craftsman will be in the same grade pay of Rs. 4200/- as that of the promotional post of Charge man.'**

10. From the above, it is clear that the Master Crafts Man and Charge Man have the same Grade Pay of Rs. 4200/-.

11. From the above, it is clear that the applicant who became a Master Craftsman before 01.01.2006 and were fitted with Grade Pay of Rs. 4200/- after 01.01.2006 enjoyed the same Grade Pay of promotional post of Charge man and as per para 8 of the MACPS they cannot get the Grade Pay higher than of Rs.

4200/-. He will be entitled to one extra increment in the same scale of pay which he enjoyed from the date he became eligible for MACP and not the Grade Pay of Rs. 4600/-.

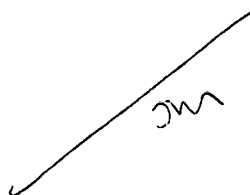
12. The communication dated 04.02.2011 (M/8) extracted below shows to the effect that the Grade Pay of Rs. 4600/- is available to the Junior Works Manager which is the promotional post of Charge man. This further clarifies that the relief sought for by the Applicants for getting the Grade Pay of Rs. 4600/- because of the MACP benefit is not tenable at all because this Grade Pay is only available to Junior Works Manager who is placed further higher in the hierarchy of promotion than the Charge man which is the promotional post of Master Craftsman. The above stipulation in the Government Orders is in consonance with the communication of the Ministry of Defence dated 6th February, 2014 which is extracted hereunder for ready reference:

"Ministry of Defence
06.02.2014
D(Civ-I)

Subject: Restructuring of cadre of artisan staff in Defence Establishments in Modification of recommendations of 6th CPC – clarification regarding.

Reference Ministry of Defence ID note of even number dated the(not legible) on the above mentioned subject. The entire matter has been reconsidered in consultation with the DOP&T and Department of Expenditure. Their advice in the matter is as under:

- (i) As per provisions of MACP Scheme introduced w.e.f. 01.09.2008, financial upgradation is admissible in the hierarchy of Grade Pay and placement of Highly Skilled workers (GP Rs.2400/-) as Master Craftsman (GP Rs.4200/-) is very much considered as ladder in hierarchy of Grade Pays. Ignoring the placement of Highly Skilled as Master Craftsman(non-functional) will be deviating the provisions of MACPS. Hence,



placement of Highly Skilled workers as Master Craftsman (MCM) prior to 01.01.2006 would be offset against one upgradation for the purpose of grant of MACP benefits.

- (ii) MCM being the feeder post to Chargeman and since both these posts have identical pay band and Grade Pay, financial upgradation under MACPS cannot be to a Grade Pay which is more than what is admissible in regular promotion.

(M.S. Sharma)
Under Secretary"

13. The learned counsel for the applicants brought to our notice a communication from Ordnance Factory Board, MoD dated 31.12.2010 regarding restructuring of Artisan Cadre in 6th Pay Commission period to justify his claim that the post of Master Crafts Man is not a feeder post of Charge man and there is no hierarchical post beyond the posts of Master Crafts Man in the Artisan cadre. The said communication is extracted below:

"Government of India,
Ministry of Defence,
Ordnance Factory Board,
Ayudhbhavan,
10A, Shaheed Khudirasm Bose Road,
Kolkata-700 001.

No.01/CR/A/I/658

Dt.31.12.2010.

To
All Sr. General Manager/General Manager,
Ordnance and Ordnance Equipment Factories,
Sr. Principal Director
National Academy of Defence Production,
Ambajhari.

Sub: Restructuring of Cadre of Artisan Staff in Defence Establishments in modification of recommendations of 6th CPC.

Ref: (i) M of D Letter No. 11 (5)/2009 -D (Civ.I) dtd. 14th June, 2010;
(ii) M of DID No. 11 (5)/2009-D (Civ.I) dated 13th Oct., 2010;
(iii) Mof DID No. 11 (5)/2009-D (Civ I) dated 1st December, 2010;
(iv) OFB letter No. 01/CR/A/I/658 dated 13.12.2010.

In view of the Govt. orders at ref (i) to (iii) and the operating instruction issued vide OFB's letter at ref (iv) that the post of the Master craftsman shall be part of the hierarchy and the placement of Master Craftsman will be treated as promotion and since the post of Master Craftsman and the Charge man (Tech.) are in the same Pay Band and Grade Pay, the following action may be taken for promotion to Master Craftsman and Charge man (Tech.):-

01. Eligibility Highly Skilled Gr. I employees will constitute feeder line of promotion to Master Craftsman in the artisan cadre or Charge man (Tech) in the Supervisory Cadre and accordingly, they will be asked to exercise option for promotion either to Master Craftsman or to Charge man (Tech) before consideration for promotion.

02. With the placement of Master Craftsman and Charge man (Tech) in identical Pay Band and Grade Pay all existing Master Craftsman will be allowed to give option to be inducted as Charge man by way of transfer. Such exercise should be completed within one month of the issue of this instruction. Such option once exercised is final.

After the completion of such exercise, no induction from Master Craftsman to Charge man (Tech) by way of transfer will be allowed.

Necessary amendment to the existing SRO to the extent as laid down in the Govt. orders is under process and will be notified in due course.

Sd/-(A.K.Das)
Jt. Director /NI&I
For Director General,
Ordnance Factories."

This Office order only shows that since Master Craftsman and Charge man have the same pay Band and Grade Pay, option may be called from the feeder grade of highly skilled Gr.I for either promotion to Master Craftsman (Artisan cadre) or Charge man (Supervisor Cadre). This communication does not show at all that there is no hierarchical post beyond the post of

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Master Craftsman. Even if for argument sake, we agree to the points stressed by the Learned Counsel for the Applicant, then also the Pay Band of Master Craftsman shall be only Rs. 4200/- and not Rs. 4600/- as according to him no hierarchical post beyond the post of Master Craftsman exists in the Department. However, the communication dated 15.7.2011 and 6.2.2014 (supra) which are of a later communication than that of 31.12.2010 clarifies that the charge man is the promotional post of Master Craftsman for those employees who became Master craftsman prior to 1.1.2006.

14. The Applicant (Shri Pradip Mahapatra) in OA No. 350/01517/2014, entered service on training on 22.01.1992 and he was placed in the Skilled Grade w.e.f. 31.01.1994. He was promoted to the cadre of Highly Skilled Grade on 09.2.1999. He would have been eligible for 1st ACP after completion of 12 years from 22.01.1992 i.e. on 22.01.2004 but he got one promotion on 09.02.1999. He would not get the second ACP benefits after 24 years as MACP came into existence on 1.9.2008. He would be eligible for 2nd MACP on 09.02.2009 i.e. 10 years from his last promotion. But he cannot get a higher Grade Pay than Charge man which is the promotional post of Master crafts man carrying the same Grade Pay of Rs. 4200/-. He will get the same Grade Pay of Rs. 4200/- but one extra increment in the Pay Band of PB II, GP Rs. 4200/- shall be given to him.

15. The Applicant (Shri Birendra Nath Singh) in OA No. **350/01523/2014** entered service on training on 20.09.1995 and he was placed in the Skilled Grade w.e.f. 26.09.1997. He was promoted to the cadre of Highly Skilled Grade on 18.03.2001. He would have been eligible for 1st ACP after completion of 12 years from 20.09.1995 i.e. on 20.09.2007 but he got one promotion on 18.3.2001. He would not get the second ACP benefits after 24 years as MACP came into existence on 1.9.2008. He would be eligible for 2nd MACP on 18.03.2011 i.e. 10 years from his last promotion. But he cannot get a higher Grade Pay than Charge man which is the promotional post of Master crafts man carrying the same Grade Pay of Rs. 4200/-. He will get the same Grade Pay of Rs. 4200/- but one extra increment in the Pay Band of PB II, GP Rs. 4200/- shall be given to him.

16. The Applicant (Shri Parichay Kundu) in OA No. **350/01524/2014** entered service on training on 02.12.1995 and he was placed in the Skilled Grade w.e.f. 23.12.1997. He was promoted to the cadre of Highly Skilled Grade on 18.3.2001. He would have been eligible for 1st ACP after completion of 12 years from 02.12.1995 i.e. on 02.12.2007 but he got one promotion on 18.3.2001. He would not get the second ACP benefits after 24 years as MACP came into existence on 1.9.2008. He would be eligible for 2nd MACP on 18.03.2011 i.e. after 10 years from his last promotion. But he cannot get a higher Grade Pay than



Charge man which is the promotional post of Master crafts man carrying the same Grade Pay of Rs. 4200/-. He will get the same Grade Pay of Rs. 4200/- but one extra increment in the Pay Band of PB II, GP Rs. 4200/- shall be given to him.

17. The case of the Applicant (Shri Pradip Basu) in OA No. 350/01525/2014 boils down to the fact that he entered service on training on 11.9.1990 and he was placed in the Skilled Grade w.e.f. 30.9.1992. He was promoted to the cadre of Highly Skilled Grade on 18.3.2001. He would have been eligible for 1st ACP after completion of 12 years from 11.9.1990 i.e. on 11.09.2002 but he get one promotion on 18.3.2001. He would not get the second ACP benefits after 24 years as MACP came into existence on 1.9.2008. He would be eligible for 2nd MACP on 11.09.2010 (20 years service) but he cannot get a higher Grade Pay than Charge man which is the promotional post of Master crafts man carrying the same Grade Pay of Rs. 4200/-. He will get the same Grade Pay of Rs. 4200/- but one extra increment in the Pay Band of PB II, GP Rs. 4200/- shall be given to him.

18. In view of the discussions made above, all the Original Application Nos. 350/01517/2014, 350/01523/2014, 350/01524/2014 & 350/01525/2014 finally disposed of in the aforesaid terms. There shall be no order as to costs.

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19. Let a copy of this judgment be placed on record of all the other OA Nos. 350/01523/2014, 350/01524/2014 & 350/01525/2014.

(Ms. Jaya Das Gupta)
Administrative Member

(Justice V.C. Gupta)
Judicial Member

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