

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.040/00290/2014

Date of order: This the 01st day of August, 2018

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER
THE HON'BLE MR. N. NEIHSIAL, ADMINISTRATIVE MEMBER**

1. Sri Subrata Sarkar (No. 2968)
Son of Shri Ramananda Sarkar
Tent Mender, O/o the 222 ABOD
C/o 99 APO.
2. Shri Bishnu Kumar Ray (No-2947)
Son of Ramesh Ray
Tent Mender, O/o the 222 ABOD
C/o 99 APO.
3. Shri Joy Chandra Majumdar (No-2954)
Son of Lohit Majumdar
Tent Mender, O/o the 222 ABOD
C/o 99 APO.
4. Shri Dharanidhar Doimari (No. 2512)
Son of Late Bolaram Doimari
Tent Mender, O/o the 222 ABOD
C/o 99 APO.
5. Shri Sajal Chandra Dey (No. 1231)
Son of Late Sadhan Chandra Dey
Tent Mender, O/o the 222 ABOD
C/o 99 APO.
6. Shri Swapan Basumatary (No. 2510)
Son of Late Nil Kanta Basumatary
Tent Mender, O/o the 222 ABOD
C/o 99 APO.
7. Shri Dilip Teron (No. 2655)
Son of Late Subha Ram Teron
Tent Mender, O/o the 222 ABOD
C/o 99 APO.

8. Shri Sita Ram Chetri (No. 2963)
Son of Shri Hari Bahadur Chetri
Tent Mender, O/o the 222 ABOD
C/o 99 APO.
9. Shri Dip Shankar Bhattacharjee
Son of Late Dwijadas Bhattacharjee
Tent Mender, O/o the 222 ABOD
C/o 99 APO.

...Applicants

By Advocates: Mr. M. Chanda and Ms. S. Begum.

-Versus-

1. The Union of India
Through the Secretary
To the Government of India
Ministry of Defence, South Block, DHQ Post
New Delhi – 110011.
2. The Director General of Ordnance Services
Master General of Ordnance Branch
'A' Wing, Sena Bhawan
Integrated Head Quarters , Ministry of Defence (Army)
DHQ Post, New Delhi – 110011.
3. The Commandant
222 Army Base Ordnance Depot
Guwahati, Assam – 781171.

...Respondents

By Advocate: Mr. S.K. Ghosh, Addl. CGSC

ORDER (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

This O.A. has been remanded back by the Hon'ble Gauhati High Court vide order dated 07.04.2017 in WP (C) No. 4895/2015 for fresh hearing by giving an opportunity of hearing to

the Union of India i.e. respondents. Matter has been taken up since 28.07.2017 by granting opportunity to the respondents to defend the case by filing their written statement and matter is finally heard on today i.e. 01.08.2018. From the perusal of records, it is noted that the respondents have filed their written statement on 23.01.2018.

2. Heard Mr. M. Chanda, learned counsel for the applicants and Mr. S.K. Ghosh, learned Addl. CGSC for the respondents. Perused the pleadings and materials placed on record.

3. By this O.A., applicants make a prayer for a direction upon the respondents to grant appropriate pre-revised scale of Rs. 260-400 (revised scale of Rs. 950-1500), which was further revised to Rs. 3050-4590/- atleast from the date of initial appointment in the cadre of Tent Mender with all consequential service benefit including arrear pay and allowances and further direct the respondents to provide the benefit of promotion to the cadre of HS-II HS-1 as well as in the cadre of Master Craftsman as granted to the other similarly skilled category employees with retrospective effect.

3. It was submitted by Mr. Chanda that CAT, Chandigarh Bench in O.A. No. 832/2014 decided on 16.04.2015 specifically stated that O.A. No. 762/2002 which was decided by the CAT, Principal Bench on 02.12.2002 up held in Writ Petition (Civil) No. 9539/2003 by the Hon'ble Delhi High Court vide judgment dated

19.04.2006 which was further confirmed by the Hon'ble Supreme Court by dismissing the SLP filed by the Union of India on 04.09.2009. As such, the decision declaring Tent Menders as skilled category had already attained finality. In view of the decision rendered by the CAT, Chandigarh Bench, the claim of the applicants for treating them as skilled workers is legally justified and deserves to be allowed with cost.

4. On identical issue, the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 762/2002 has decided the matter vide order and judgment dated 02.12.2002. Relevant portion of the said judgment is reproduced here as under:

"Having regard to the above discussion, respondents are directed to take steps to declare the tent menders, as skilled workers and provide the benefit of the skilled grade of Rs. 260-400/950-1500/3050-4590 from 9.11.1984, i.e. the date from which all other semi-skilled categories including tailors have been placed in the skilled grade in terms of government letter dated 15.10.1984 as modified by the Government of India decision contained in letter dated 19.3.1993. We direct respondents to carry out the aforesaid exercise within a period of three months from the date of communication of this order. It is, however, clarified that whereas notional benefits of the higher grades may be granted to these applicants with effect from the dates they became eligible, the actual benefits should be granted from 16.10.2000 when they made representations on respondents."

5. In view of the above, respectfully following the decisions of CAT, Principal Bench which was upheld by the Hon'ble Delhi High

court and confirmed by the Hon'ble Supreme Court (as admitted by the learned counsel for the applicants in para 7 of rejoinder) as well as CAT, Chandigarh Bench, we direct the respondents to examine and decide the present issue in the light of aforesaid precedents and if the applicants are found to be entitled, the benefits be granted in accordance with law by granting appropriate pre-revised scale of Rs. 260-400 (revised scale of Rs. 950-1500), which was further revised to Rs. 3050-4590/- atleast from the date of initial appointment in the cadre of Tent Mender with all consequential service benefit including arrear pay and allowances. It is made clear that the aforesaid direction shall be carried out within a period of four months from the date of receipt of a copy of this order.

6. With the above observation and direction, O.A. stands disposed of. No order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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