

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/01126/2013

Date of order: 7.3.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

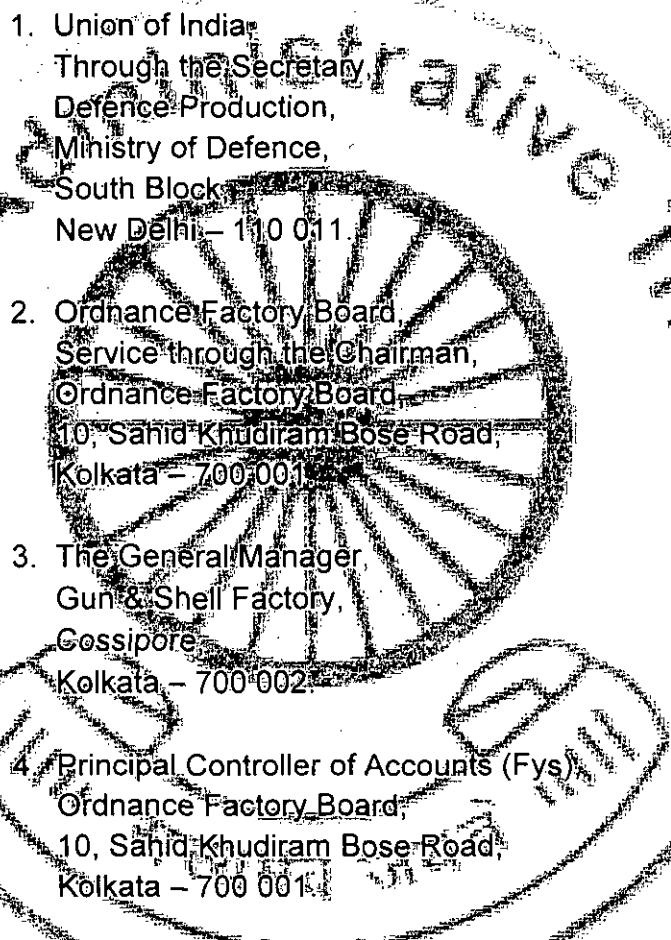
1. Shri Subrata Kumar Sarkar,
Son of Late Ratan Sarkar,
Aged about 40 years,
T.No. 20/Gun-D, P. No. 006878
Residing at 146/4A, D.H. Road,
P.S. Parnasree (P),
Behala,
Kolkata - 700 060.
2. Shri Tanmoy Singha Roy,
Son of Shri Phanindra Nath Singha Roy,
Aged about 41 years,
T. No. 82/Gun 'C' P.No. 006877
Residing at Vill. & P.O. Hatara (Roy Para),
P.S. New Town,
Dist. North 24 Parganas,
Pin - 700 157.
3. Shri Avijit Chowdhury,
Son of Shri Kalachand Chowdhury,
Aged about 39 years,
T.No. 65/TR, P. No. 006881,
Residing at Vill. Gokulpur Nimtala,
P.O. - Kataganj, P.S. - Kalyani,
Dist. Nadia,
Pin - 741250.
4. Shri Abhijit Sarkar,
Son of Shri Santi Ranjan Sarkar,
Aged about 39 years,
T.No. 170/Gun-A, P.No. 006880,
Residing at Gorkhara Arabinda Nagar,
P.S. & P.O. - Sonarpur,
Dist. South 24 Parganas,
Pin - 700 150.
5. Shri Jagannath Chakraborty,
Son of Shri Pranotosh Chakraborty,
Aged about 40 years,
T.No. 1944/Fuze P. No. 006876,
Residing at 11/A, Anandamath,
P.O. Ichapur Nawabganj,

P.S. Noapara,
Dist. North Parganas,
Pin - 743 144.

All of them are presently engaged as highly skilled Grade II
in the trade of Fitter and Mechanist respectively at different
section of Gun & Shell Factory, Cossipore, Kolkata - 700
002.

.. Applicants

- VERSUS -

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- The seal of the Central Administrative Tribunal is a large circular emblem. It features a central wheel with multiple spokes. The words "Central Administrative Tribunal" are written in a circular path around the wheel. Below the wheel, there are two smaller circular elements, possibly representing the foundation or base of the institution.
1. Union of India,
Through the Secretary,
Defence Production,
Ministry of Defence,
South Block,
New Delhi - 110 011.
 2. Ordnance Factory Board,
Service through the Chairman,
Ordnance Factory Board,
10, Sahid Khudiram Bose Road,
Kolkata - 700 001.
 3. The General Manager,
Gun & Shell Factory,
Cossipore,
Kolkata - 700 002.
 4. Principal Controller of Accounts (Fys),
Ordnance Factory Board,
10, Sahid Khudiram Bose Road,
Kolkata - 700 001.
 5. Assistant Controller of Accounts (Factories),
Gun & Shell Factory,
Cossipore,
Kolkata - 700 002.

.. Respondents

For the Applicants : Mr. J.R. Das, Counsel

For the Respondents : Mr. L.K. Chatterjee, Counsel
Mr. M.K. Ghara, Counsel

A handwritten signature in dark ink, appearing to be "L.K. Chatterjee", is written over a horizontal line.

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(i) An order granting leave to the applicants under Rule 4(5)(a) of CAT (Procedure) Rules, 1987 to move the application jointly.
- (ii) An order/direction directing the respondents to set aside the purported letter dated 10.6.2013.
- (iii) An order/direction directing the respondents to correct/revise the fixation of pay of the applicants herein in the grade of Highly Skilled Grade – II at par with their counterparts/incumbents recruited on or before 31.12.2005 in the same identical grade and post and performing same identical jobs every day.
- (iv) An order/direction directing the respondents to act as per the MOD order of restructuring dated 14.6.2010, PC of A classification thereto being dated 31.7.2012 (A-9) regarding implementation of such order at the earliest.
- (v) An order/direction directing the respondents to correct/amend the order for fixation of pay to H.S. Gr. II being Gun & Shell Factory order Pt. II being Nos. 1621, 1630, 1622, 1619 and 1620 all dated 11.3.2013 and pay all difference of pay and allowances at par with such incumbents recruited on or before 31.12.2005.
- (vi) An order/direction directing the respondents to produce/cause production of all the necessary documents before the Hon'ble Bench for conscionable justice.
- (vii) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. Heard both Ld. Counsel, examined pleadings and documents on record.

3. The submissions of the applicants, as articulated through their Ld. Counsel, is that, all the applicants are in the identical grade of Highly Skilled Grade II in different trades with the respondent authorities. The applicants were initially appointed in the semi-skilled grade at the pre-revised scale of Rs. 2650-4000/- as ex-trade apprentices, and, thereafter, recruited on 16.3.2006 in the said grade and promoted to skilled grade in the pre-revised scale of Rs. 3050-4590/- w.e.f. 31.3.2008, and that, thereafter, they were promoted to Highly Skilled Gr. II on and from the said day.

The applicants allege that they have been subject to serious discrimination in anomalies in pay fixation in comparison to similar incumbents recruited on or before 31.12.2005, based on erroneous clarification by the respondent authorities. The applicants have not been given the benefit regarding restructuring of cadre of Artisan Staff in modification of 6th CPC and also have been deprived due to non-compliance of the respondents' circular dated

heli

31.7.2012 (Annexed as A-9 to the O.A.) which clearly provides that benefit of option for switching over and, although the applicants have represented severally, their representations have been regretted by the respondents on 10.6.2013. Hence, being aggrieved, the applicants have approached the Tribunal.

Ld. Counsel for the applicants fairly submits that the applicants may be given liberty to prefer a comprehensive representation to the competent respondent authority citing circulars and judicial pronouncements in their support and that the concerned respondent authority may be directed to dispose of such representation in a timebound manner.

4. Ld. Counsel for the respondents does not object if such representations are directed to be considered in accordance with law.

5. Accordingly, without entering into the merits of the case and, with the consent of the parties, we hereby accord the applicants liberty to prefer a comprehensive representation citing judgements and circulars in their support within a period of three weeks from the date of receipt of this order. Once received, the competent respondent authority shall, within a period of four weeks of receipt of the same, issue a reasoned and speaking order in accordance with law and communicate the same forthwith to the applicants. In case the applicants are entitled to benefits, such entitlements should be released within a further period of six weeks from the date of the order.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP