

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**  
**OA/050/00198/15**

Reserved on: 12.12.2018  
Pronounced on: 01.01.2019

**C O R A M**

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER**  
**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Sidheshwar Kumar Jha, Son of Sri Tej Narayan Jha, Skilled Worker Grade-II, Office of the Director, Ministry of MSME, Government of India, Goushala Road, Post-Ramna, District- Muzaffarpur (Bihar).

..... Applicant.

- By Advocate: - Mr. M.P. Dixit

-Versus-

1. The Union of India through the Secretary, Ministry of Finance, Department of Expenditure, Government of India, New Delhi.
2. The Additional Secretary & Development Commissioner (MSME), Ministry of Micro Small and Medium Enterprises Development Institute, Government of India, 7<sup>th</sup> Floor, A-Wing, Nirman Bhawan, Maulana Azad Road, New Delhi-110108.
3. The Director Cum Cadre Controlling Authority, MSME, Ministry of Micro Small and Medium Enterprises Development Institute, Government of India, Patna (Bihar).
4. The Director, MSME, Ministry of Micro Small and Medium Enterprises Development Institute, Government of India, Goushala Road, Post-Ramna District-Muzaffarpur (Bihar).

..... Respondents.

- By Advocate: - Mr. H.P. Singh

**O R D E R**

**Per Dinesh Sharma, A.M.:-**The request of the applicant is for grant of financial upgradation to the pay scale of Rs. 5200-22000/- with GP of Rs. 2400/- since, according to him, after the revision of 6<sup>th</sup> Pay Commission there are only two pay scales available for highly skilled workers and they carry the grade pay of Rs. 2400 and Rs. 2800 for Grade II and Grade I respectively. The Highly Skilled Workers Grade-I have been re-designated

as Instructors and following a decision by CAT, Madras Bench dated 09.11.2012 in OA 702 of 2010 they are being paid a grade pay of Rs. 2800/- However, the applicant is still being paid a grade pay of Rs. 1900/- which is a non-existent grade pay since the implementation of the 6<sup>th</sup> Pay Commission. The applicant's representation has been rejected by a non-speaking order dated 06/07.01.2015 (Annexure A/9).

2. The respondents in their written statement have denied the claim of the applicant. Though the MSME (Micro Small and Medium Enterprises) had requested the finance Department for revision in the Grade Pay as demanded by various employees, their proposal was not agreed to by the Department of Expenditure. Later, the Ministry of Finance has added additional entries through amendment to CCS (Revised Pay) Rules, 2008 under which workshop staff comprising Highly Skilled Workers are to be given a grade pay of Rs. 2400/- and Rs. 2800/- for Grade-II and Grade-I respectively. The respondents have admitted that following the decision of CAT, Madras Bench, as mentioned above, the Instructors have been given the higher grade pay of Rs. 2800/-. Since the decision of CAT, Madras Bench applied only to the Instructors/Highly Skilled Workers Grade-I, this cannot be extended to Highly Skilled Workers Grade-II.

3. After going through the pleadings and hearing both the parties, it is clear that the only issue which needs to be examined here is whether the logic of the decision of the CAT, Madras Bench can be extended to highly skilled workers Grade-II and they be paid a grade pay of

Rs. 2400/- as per the 6<sup>th</sup> Pay Commission. The Department has not given any convincing reason for not applying this logic except for reporting the fact that their proposal was denied by the Department of Expenditure. Even if the argument advanced by the Department of Expenditure that the additional entries provided for Highly Skilled Workers in the new Pay Rules applied only to the Workshop staff, it is nowhere alleged by the respondents that the applicant does not fall in that category. Since as decided by CAT, Madras Bench, the Highly Skilled Workers Grade-I are now re-designated as Instructors and are being given a grade pay of Rs. 2800/- the remaining category of Highly Skilled Workers should get the grade pay of Rs. 2400/- as recommended by the 6<sup>th</sup> CPC.

4. The Respondents are, therefore, directed to consider the case of the applicant in the light of the CAT, Madras Bench judgment as referred to hereinabove and the logic expressed above and revise the pay of Highly Skilled Workers in line with the decision of 6<sup>th</sup> CPC as ordered through Ministry of Finance Notification No. 1/1/2008-IC dated 28.07.2009 within a period of three months from the date of receipt of this order. The OA is disposed of accordingly. No order as to costs.

**[ Dinesh Sharma]**  
**Administrative Member**  
**Srk.**

**[Jayesh V. Bhairavia]**  
**Judicial Member**