

A UNION OF INDIA AND ORS.  
v.  
K.S. JOSEPH AND ORS. ETC.

FEBRUARY 5, 2004

B [V.N. KHARE, CJ., S.B. SINHA AND S.H. KAPADIA, JJ.]

*Service Law:*

C *Pay scale—Semi-skilled workers—Claim for upgradation of pay scale equivalent to that of skilled workers—Ministry of Defence by letter dated 15.10.1984 upgraded semi-skilled grade as skilled grade—Claimants appointed in the year 1985, in semi-skilled grade—Later on claimed upgradation on the basis of communication dated 15.10.1984—Held, the letter dated 15.10.1984 clearly stipulated that fresh induction in the Trade list would be regulated by*  
D *the existing statutory rules and the same would be applied for recruitment and that upgradation was one time measure and would not be applicable in future—Claimants having been recruited in the year 1985, letter dated 15.10.1984 could not have been made applicable to them.*

E CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 1499-1502 of 1999.

From the Judgment and Order dated 6.11.95 and 8.11.96 of the Central Administrative Tribunal, Hyderabad Bench at Andhra Pradesh in O. Appln. Nos. 81/93 and 1164/94 and R. Appln. Nos. 5/96 and 14 of 1996.

F WITH

C.A. Nos. 1497-98/99.

G N.N. Goswami, S.W.A Qadri, Ms. Sushma Suri, Ms. Anil Katiyar, R. Santhana Krishnan and D. Mahesh Babu for the appearing parties.

The following Order of the Court was delivered:

C.A. Nos. 1499-1502 of 1999:

H In the year 1974, the Third Pay Commission recommended for setting

up an expert body for proper classification of workshop jobs in Defence Department. In pursuance of this recommendation, the Ministry of Defence set up an Expert Classification Committee headed by a retired High Court Judge. The Committee adopted "Point Rating" method for evaluating more than 1700 industrial jobs and recommended 9 pay scales for the industrial jobs as against 5 scales contemplated against the Third Pay Commission. The Ministry of Defence further constituted a Departmental Committee called Committee on common category jobs, which recommended that 5 pay scales suggested by the Third Pay Commission should be given to the Defence workers. Later on, in the year 1984, the Anomalies Committee was appointed to go into certain anomalies in the matter of fixation of pay on grant of appropriate fitment. This committee was later on converted into another Expert Committee to re-evaluate certain jobs. On the recommendation of this Committee, 11 trades of semi-skilled grade in the scale of Rs. 210-290 have been upgraded as skilled grade in the scale of Rs. 260-400, vide letter dated 15th October, 1984. It is not disputed that this recommendation was implemented. Subsequently, in the year 1985 the respondents herein were appointed as semi-skilled workmen, although they were holding ITI certificate. After putting in two years of service, they claimed that posts held by them should also be upgraded from semi-skilled workmen to the skilled workmen and be given the pay scale meant for the skilled workmen. It appears that the appellants herein declined their request, whereafter the respondents filed Original Applications before the Central Administrative Tribunal, Hyderabad, praying therein to direct the Central Government to upgrade the pay scales from Rs. 800-1500 to Rs. 950-1500 with effect from the date of expiry of two years' service in the Grade with all consequential benefits. It may be noted that the pay scales, which the respondents wanted were meant for the skilled workmen. The respondents herein contested the aforesaid Original Applications.

Relying on its earlier decision dated 23rd June, 1989, the Tribunal allowed the Original Applications and directed that the respondents herein be upgraded in the future vacancies. It is against the said judgment, the appellants are in appeal before us.

Shri N.N. Goswami, learned senior counsel, appearing for the appellants urged that the recommendation contained in the letter dated 15th October, 1984 was a one time scheme wherein itself it was stipulated that future recruitment in the feeder post would be governed by the fresh recruitment Rules and, therefore, the Tribunal committed an error in applying the same

- A** in the case of the respondents. We find substance in the argument. The letter dated 15th October, 1984 issued by the Ministry of Defence provided that a decision has been taken on the unanimous recommendation of the Anomaly Committee to upgrade 11 categories of jobs from semi-skilled grade workmen to skilled grade worked in the pay scales of Rs. 260-400. It further provides that fresh induction in the Trade List shall be regulated by the existing statutory Rules and the same would be applied for recruitment. It also provided that the recommendation was by way of one time measure and shall not be applicable in future. In view of the aforesaid recommendation contained in the letter dated 15th October 1984, the respondent could not derive any benefit. Admittedly, the respondents were recruited in the year 1985 under the existing statutory Rules and, thus, the recommendations contained in the letter dated 15th October, 1984 could not have been made applicable therein.

For the aforesaid reason, the appeals deserve to be allowed. The judgment under challenge is set aside. There shall be no order as to costs.

**D C.A.Nos. 1497-1498 of 1999:**

In view of the decision passed in C.A. Nos. 1499-1502 of 1999, these appeals are dismissed. There shall be no order as to costs.

R.P.

Appeals disposed of.