

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5414 of 2017.

Date of Decision: March 28, 2017

Union of India and others

.....Petitioners

versus

Central Administrative Tribunal, Chandigarh Bench and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.S.P.Jain, Additional Solicitor General for Union of India with
Mr.Sunil Kumar Sharma, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

Union of India and the Director General of Ordnance Services have laid challenge to the order dated 11.04.2016 passed by the Central Administrative Tribunal, Chandigarh Bench, whereby the petitioner-authorities have been directed to categorize the private-respondents in the 'skilled category' and grant them the consequential financial benefits in a time bound manner.

[2] We have heard learned Additional Solicitor General of India in support of this writ petition and gone through the records.

[3] The facts as emerges out are that the private-respondents joined the Department as Mazdoor on 02.02.1976 and 20.12.1988, respectively. Subsequently, they were made as Tailor-Mate and then as Tailors w.e.f. 01.04.1999 and 01.04.2002, respectively. Respondent No.2 has retired from service on attaining the age of superannuation on 28.02.2014. Regardless of the fact that the private-respondents were engaged as Tailors and were performing skilled duties, they were not granted the pre-revised scale as was

granted to skilled employees working in Air-Force, Army and Navy, w.e.f. 01.01.1981. The grievance for not classifying them as skilled workers was then raised by some identically placed Tailors before the Tribunal in OA No.359/PB/2000 which was allowed on 10.10.2001 following an earlier decision of the Guwahati Bench of the Tribunal. The decision of the Tribunal was upheld by the jurisdictional High Court of Jammu & Kashmir. The said order has admittedly attained finality. Consequently, the similarly placed employees as well as the private-respondents were placed in the skilled grades and granted other consequential benefits.

[4] The private-respondents were again subjected to discrimination when after completion of 8 years' service they were denied the next pay-scale admissible to 'skilled category', for which they represented on 09.02.2012 and 24.04.2012. Their representations were turned down against which they again approached the Tribunal and their OA was disposed of vide order dated 23.09.2013 with a direction to the authorities to take a final decision in the matter. Thereafter the impugned order was passed on 24.01.2014 rejecting their claim.

[5] The private-respondents again approached the Tribunal by way of OA No.060/00122/2004 which was allowed by the Tribunal vide order dated 14.11.2014 and the order dated 24.01.2014 was set-aside. A direction was issued to re-consider their claim in the light of the earlier decision of the J&K High Court in Mansoor Ahmed Qadri and others versus Union of India and others where identical issue was decided while upholding the order of by the Tribunal.

[6] The petitioner-authorities however rejected the claim of private-respondents, this time stating that the benefit of Mansoor Ahmed

Qadri's judgment (supra) was admissible to only those employees who were party to that case and not to private-respondents. It is in this backdrop that the Tribunal has vide the order under challenge upheld the claim of private-respondents.

[7] From the narration of the events, it may be seen that the question as to whether or not the private-respondents are entitled to be categorized as skilled workers stands settled by the Tribunal in the first round of litigation and the said judgment was duly upheld by J&K High Court and has attained finality. The private-respondents having been categorized as skilled workers are justifiably entitled to maintain such categorization at subsequent stages also, moreso when there is no change in the circumstances.

[8] In our considered view, once the status of the private-respondents as skilled workers is unassailable, they are entitled to the subsequent consequential benefits as well. The benefit of subsequent revision in pay was denied to the private-respondents as they were not party to Mansoor Ahmed Qadri's case (supra). The Tribunal in such circumstances has rightly held the private-respondents entitled to seek parity even if they were not party to the first round of lis.

[9] For the reasons afore-stated, we do not find any merit in this case.

[10] Dismissed.

[SURYA KANT]
JUDGE

March 28, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No