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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3017/2019

DEFENCE CIVILIAN KARAMCHARI UNION AND ANR.

..... Petitioners

Through: Mr.Rupesh Kumar Sinha &
Mr.Gaurav Pachauri, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Rajesh Gogna, CGSC with
Ms.Priya Singh, Mr.Sachin Verma, Advs.
Mr.Pradeep Siwach, Office Superintendent,
Ministry of Defence.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

09.05.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 17.09.2018 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No.2131/2012. Vide the impugned order, the learned Tribunal has dismissed the original application filed by the petitioners/applicants by holding that they were not in a position to explain as to how they were entitled to claim a grade pay higher than Rs.1900/- by way of Modified Assured Career Progression (MACP).
2. On the last date, learned counsel for the petitioner had, by relying on the communication dated 14.06.2010 issued by the Ministry of Defence (MoD), Government of India, submitted that the cadre of



Artisan Staff working in Defence Establishments had been restructured by modifying the recommendations made by the 6th CPC. As per this restructuring, the grade pay payable to a skilled Artisan Staff was, w.e.f. 01.01.2006, enhanced to Rs.1900/- at the entry stage itself and consequently, the grade pay of members of the petitioner which was required to be suitably enhanced upon grant of benefit of MACP to them.

3. This Court had, therefore, adjourned the matter at the request of learned counsel for the respondent to enable him to obtain instructions in respect of the restructuring order issued by the respondent no.1/MoD on 14.06.2010.
4. Today, though Mr.Pradeep Siwach, Office Superintendent, MoD, is present in Court on behalf of the respondent, he is unable to explain as to how the grade pay of Artisan Staff in Defence Establishments would remain as Rs.1800/- despite the specific directions issued by the respondent no.1/MoD on 14.06.2010 to enhance their grade pay to Rs.1900/- w.e.f. 01.01.2006.
5. Since learned counsel for the respondent is unable to explain as to why despite the said modification, the grade pay of the members of the petitioner/union was not enhanced from Rs.1800/- to Rs.1900/- w.e.f. 01.01.2006, we may, at this stage, note hereinbelow the order dated 14.06.2010 *in extenso*. The same reads as under:-

“No11(5)/2009-D(Civ.I)
Government of India
Ministry of Defence



New .Delhi, the 14th June, 2010

To,
The Chief of Army Staff
The Chief of Air Staff
The Chief of Naval Staff
The DGOF
& all Heads of Inter Services Organisations.

Subject:- Restructuring of Cadre of Artisan staff in Defence Establishments in modification of recommendations of 6th CPC

Sir,

The matter regarding revision of pay scale of Master Craftsman in Defence Establishments has been under consideration of the Government for quite some time. Now in partial modification of the 6th CPC recommendations made in para 3.8.27 of its report and amendment made in Civilian in Defence Services (Revised Pay) Rules 2008, vide SRO 11(E) dated 28.08.2009, I am directed to convey the sanction of the President for restructuring of Cadre of Artisan Staff in Defence Establishments as under:-

2. The grade structure in the industrial as well as in the non industrial trades wherever already available and the pay scales of the Defence artisan staff shall stand modified w.e.f. 1.1.2006 as under:

- i. Skilled – Pay Band PB-1 Grade Pay Rs.1900*
- ii. Highly Skilled Grade II – Pay Band PB-1 Grade Pay Rs.2400*
- iii. Highly Skilled Grade I – Pay Band PB-1 Grade Pay Rs.2800*
- iv. Master Craftsman– Pay Band PB-2 Grade Pay Rs.4200*

3. (a)Wherever the grade structure in the Industrial as well as Non Industrial trades is already existing in the ratio of 45:55, the erstwhile Skilled and



Highly Skilled, and 25% of the Highly Skilled in the grade of Master Craftsman, the following will apply:

- * 45% of the posts may be granted the pay scale of Skilled Worker (Grade Pay of Rs.1900 in the Pay Band PB-1);*
- * 25% of the remaining 55% may be granted the pay scale of MCM (Grade Pay of Rs.4200 in the Pay Band PB-2); and*
- * The remaining posts may be divided in a ratio of 50:50 and redesignated as Highly Skilled Worker Grade II (Grade Pay of Rs.2400 in Pay Band PB-1) and Highly Skilled Worker Grade I (Grade Pay of Rs.2800 in Pay Band PB-1)*

(b) The placement of the individuals in the posts resulting from the restructuring shall be made w.e.f. 1.1.2006, in relaxation of the conditions, if any, i.e. trade test etc. as one time measure.

(c) Highly Skilled Grade I shall be en-bloc senior to Highly Skilled Grade II.

4.(i) The post of Master Craftsman shall be part of the hierarchy and the placement of Highly Skilled Grade I in the grade of Master Craftsman will be treated as promotion.

(ii) In the case of Defence Establishments where there is no category of Skilled Workers and direct recruitment is made 100% at the level of Highly Skilled, the posts of Master Craftsman existing as on 1.1.2006 will be placed in PB-2 +GP-4200 and the remaining posts of Highly Skilled Workers may be bifurcated in HS-I and HS-II in the ratio of 50:50.

(iii) In view of the above re-structuring, the artisan



staff may be allowed to give revised option for pay fixation w.e.f 1.1.2006 within three months from the date of issue of orders in this regard:

(iv) The existing recruitment rules for the Tradesman may be amended and RRs for the post of MCM may be framed accordingly.

5. The expenditure involved will be debitable to the respective Heads of Defence Services Estimates.

6. To the extent of provisions indicated in the paragraphs above MoD letter No.11(1)/2002-D (Civ.I) dated 20.05.2003 stands amended.

7. This issues with the approval of DOP&T U.O.No.5358/10/CR dated 25.2.2010 and Ministry of Finance I.D. No.2(16)E.III Desk/2008 dated 10.06.2010 and concurrence of Ministry of Defence(Finance AG/PB) vide their U.O.No.164/AG/PB dated 14.06.1010.

Sd/-

Under Secretary to the Government of India”

6. In the light of the aforesaid and having perused the record, including the restructuring order dated 14.06.2010 issued by the respondent no.1/MoD, enhancing the pay scale of Artisan Staff in Defence Establishments, we are of the view that the petitioner is correct in urging that on account of this modification issued by the respondent no.1/MoD, the grade pay of all the 49 members of the petitioner/union, who were working as skilled Artisan Staff in Defence Establishments, was required to be fixed at Rs.1900/- w.e.f.



01.01.2006 itself.

7. We find that even though from a bare perusal of the aforesaid restructuring order, it was apparent that the grade pay of Artisan staff in Defence Establishment to which members of the petitioner belong was, w.e.f. 01.01.2006, enhanced to Rs.1900/-, which clarification was a part of the record filed before the learned Tribunal, has not been referred to in the impugned order.
8. In the light of the aforesaid and taking into account that there is no denial to the fact that the members of the petitioners/union were working as skilled Artisan Staff in Defence Establishments, the petition deserves to be allowed.
9. The writ petition is, accordingly, allowed by setting aside the impugned order dated 17.09.2018 and allowing the OA by directing the respondent to fix within a period of eight weeks, the grade pay of all the 49 members of the petitioner/union, whose list has been annexed as 'Annexure A-1' to the OA, at Rs.1900/- w.e.f. 01.01.2006 and thereafter consider them for grant of benefit of MACP as per law.
10. The writ petition stands disposed of in the aforesaid terms.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 9, 2024
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