

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH AT BANGALORE**

ORIGINAL APPLICATION NO.170/001566-1592/2018

DATED THIS THE 1ST DAY OF NOVEMBER, 2019

**HON'BLE DR K B SURESH....MEMBER (J)
HON'BLE SHRI C V SANKARMEMBER (A)**

1. Jnaneshwara K Nayak,
S/o Krishna Nayak,
Aged about 34 years,
Occu: Ac & Ref
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

2. Subhasis Guha,
S/o Dipak Guha,
Aged: about 34 years,
Occu: Ac & Ref
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

3. Vimal Sudhakar,
S/o N.Sudhakaran
Aged about 35 years,
Occu: Ac & Ref
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

4. Nityanand M Pednekar,
S/o Mahabaleshwar Pednekar,
Aged about 34 years,
Occu: Ac & Ref,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

5. Bhamare Pravin Raghunath,
S/o Raghunath Bhoju Bhamare
Aged about 34 years,
Occu: Electric Fitter,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

6. Sumesh P R,
S/o Raman P V,
Aged about 36 years,
Occu: Painter,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

7. Chandrashekhar V,
S/o K Velu,
Aged about 40 years,
Occu: Painter.
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

8. Lijo Paul,
S/o K V Paulose
Aged about 35 years,
Occu: Plater,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

9. Aji Narayanan,
S/o T.N.Narayanan,
Aged about 38 years,
Occu: Plater,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

10. Lineesh K,
S/o Chandran K
Aged about 36 years,
Occu: Plater,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

11. Umesh R,
S/o T N Ramakrishnan,
Aged about 33 years
Occu: Shiplift Opretor & Meantenaar,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

12. Shirinivas Ladu Gouda,
S/o Ladu P Gouda,
Aged about 33 years,
Occu: Shiplift Opretor & Meantenaar,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

13. Mahesh Laxman Bhopi,
S/o Laxman R.Bhopi
Aged about 39 years,
Occu: Shiplift Opretor & Meantenaar,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

14. Masurkar Damoder Bhikaji,
S/o Bhikaji D Masurkar,
Aged about 39 years,
Occu: Shipwright,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

15. Manesh M A,
S/o M P Appu,
Aged about 36 years
Occu: Shipwright,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

16. Sudhakar Appikonda,
S/o Srinivas Rao,
Aged about 34 years,
Occu: Welder,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

17. Ishraque Ahmad,
S/o Imteyaz Ahmed,
Aged about 32 years,
Occu: Gas Turbine Fitter,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

18. Patil Sachin Sudhakar,
S/o Sudhakar Patil,
Aged about 35 years
Occu: Gas Turbine Fitter,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

19. Manikpuri Pankaj Durgadas,
S/o Durgadas Manikpuri,
Aged about 31 years,
Occu: Machinery Control Fitter,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

20. Vijay L Javkar,
S/o Laxman Javkar,
Aged about 39 years,
Occu: Ship Fitter,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

21. Gangadhar K Ankolekar,
S/o Krishna Hari Ankolekar,
Aged about 34 years
Occu: Ship Fitter,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

22. Pawar Sandip Shrirang,
S/o Shrirang Shripati Pawar,
Aged about 32 years,
Occu: Weapon Fitter,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

23. Bhupalkar Ranganath Sidram,
S/o Sidram Bheemarayappa Bhupalkar,
Aged about 39 years
Occu: Weapon Fitter,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

24. Sachin Dilip Chavan,
S/o Dilip Shrirang Chavan,
Aged about 34 years
Occu: Weapon Fitter,
HSK I, Naval Ship Repair Yard,
Naval Base, Arga, Karwar,
Uttara Kannada District,
Pin-581 308.

25. Rickshad Juvanv Fernandis,
 S/o Juvanv Jurni Fernandis,
 Aged about 32 years
 Occu: Weapon Fitter,
 HSK I, Naval Ship Repair Yard,
 Naval Base, Arga, Karwar,
 Uttara Kannada District, Pin-581 308.

26. Namdev Niloba Meher,
 S/o Niloba Meher,
 Aged about 26 years
 Occu: ICE Fitter,
 HSK I, Naval Ship Repair Yard,
 Naval Base, Arga, Karwar,
 Uttara Kannada District, Pin-581 308.

27. Sanjay Deochand Sukhadeve,
 S/o Deochand Sukhadeve,
 Aged about 39 years,
 Occu: Boiler maker,
 HSK I, Naval Ship Repair Yard,
 Naval Base, Arga, Karwar,
 Uttara Kannada District, Pin-581 308.

...Applicants

(By Advocate Shri.V P Kulkarni)

Vs.

1. Union of India,
 Represented by its Secretary,
 Ministry of Defence,
 Raksha Bhavan,
 New Delhi- Pin-110 011.

2. The Flag Officer Commanding-in-Chief,
 (for Command Civilian Personnel Officer),
 Headquarters, Western Naval Command,
 Ballard Pier, Near Tiger Gate
 Mumbai 400 001.

3. The Flag Officer Commanding,
 {for Staff Officer (Civil)}
 Headquarters, Karnataka Naval Area,
 Naval Base, Karwar,
 Uttara Kannada District 581 308.

...Respondents

(By Advocate Shri Dilip Kumar, ACGSC)

ORDER (ORAL)

HON'BLE DR K B SURESH, MEMBER (J)

Heard. Applicants belong to the batches of 2006, 2007 and 2008 of Skilled Workers vide Annexure A1 which we quote they were given the benefit of being posted as HS-II.

*No. 11(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 Organizations.*

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, vice SRO 11(E) dated 28.8.2009, 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 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-I Grade Pay Rs.1900*
- (ii) *Highly Skilled Grade II - Pay Band PB-I Grade Pay Rs.2400*
- (iii) *Highly Skilled Grade I - Pay Band PB-I Grade Pay Rs.2800*

(iv) *Master Craftsman - Pay Band PB-I 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 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-I)*

(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, ie. 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 month 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 14.06.2010.*

(M.S.Sharma)
Under Secretary to the Government of India
Tele No.23012414

2. Apparently in the Bombay Unit and Cochin Unit it has been implemented. Even though Annexure A1 speaks of a three months time as it is part of restructuring scheme and not based on any vacancy arisen. Those two units have given atleast within a period of one year even though stipulation was only for three months time. In the meanwhile applicants and similarly situated persons faced another prejudice that for the next promotion and the departmental examination they need to have three years in situ experience as HS-II which they are now been denied because of this.

3. Learned counsel for the respondents says that only because of lack of vacancy, they are not being given the benefit and they say that there is a departmental qualifying test also. But then in clause 3 (b), it has been relaxed as onetime measure. Therefore, this contention made by the respondents will not lie. A specific mandate is issued to the respondents to immediately convert all the applicants and similarly situated persons within Karwar Unit as HS-II in relation to three months from the date of issue of Annexure A1. They will be

eligible for all the consequential benefits except additional wages for this period for a simple reason that they have not worked in that particular position. But all notional benefits will follow including seniority and promotion, if any, in accordance with them becoming HS-II on completion of three months from the date of issue of Annexure A1. OA is allowed. All benefits to be made available to the applicant within two months next. No order as to costs.

**(C V SANKAR)
MEMBER (A)**

**(DR K B SURESH)
MEMBER (J)**

/rsh/

Annexures referred to by the Applicant in OA No.170/001566-1592/2019

Annexure A1: Copy of the order dated 14.06.2010
Annexure A2: Copy of the order dated 02.08.2011
Annexure A3: Copy of the order dated 13.06.11
Annexure A4: Copy of the order dated 21.12.2015
Annexure A5: Copy of the representation dated 16.06.2017
Annexure A6: Copy of the representation dated 16.06.2017
Annexure A7: Copy of the representation dated 16.06.2017
Annexure A8: Copy of the representation dated 16.06.2017
Annexure A9: Copy of the representation dated 09.03.18
Annexure A10: Copy of the representation dated 21.06.17
Annexure A11: Copy of the representation dated 31.01.18
Annexure A12: Copy of the representation dated 13.06.17
Annexure A13: Copy of the representation dated 13.06.17
Annexure A14: Copy of the representation dated 16.06.2017
Annexure A15: Copy of the representation dated 09.06.2017
Annexure A16: Copy of the representation dated 09.06.2017
Annexure A17: Copy of the representation dated 09.06.2017
Annexure A18: Copy of the representation dated 21.06.2017
Annexure A19: Copy of the representation dated 21.06.2017
Annexure A20: Copy of the representation dated 13.06.2017
Annexure A21: Copy of the representation dated 16.06.2017
Annexure A22: Copy of the representation dated 16.06.2017
Annexure A23: Copy of the representation dated 16.06.2017
Annexure A24: Copy of the representation dated 13.06.2017
Annexure A25: Copy of the representation dated 13.06.2017
Annexure A26: Copy of the representation dated 08.03.2018
Annexure A27: Copy of the representation dated 08.03.2018
Annexure A28: Copy of the representation dated 08.03.2018
Annexure A29: Copy of the representation dated 08.03.2018
Annexure A30: Copy of the representation dated 16.06.2017
Annexure A31: Copy of the representation dated 16.06.2017
Annexure A32: Copy of the order dated 06.01.2017
Annexure A33: Copy of the order dated 28.11.2017

Annexure referred to by the Respondents in Reply Statement

Annexure R1: Copy of the SRO 43/2012