

**Central Administrative Tribunal
Principal Bench**

OA No.615/2014
MA No.521/2014

New Delhi, this the 21st day of January, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)



1. Yogesh Sharma,
S/o Sh Asha Ram Sharma
R/o H. No. 4, Bal Dev Park, Delhi-110051
2. Kanwar Singh,
S/o Sh. Jot Ram,
R/o VPO Ujwa, New Delhi-110073
3. Anil Kumar,
S/o Late Sh. Chander Bhan,
R/o H. No. 1/3492, Ram Nagar,
Shahdara, Delhi-110032
4. Subhash Chand,
S/o Late Sh. Deena Nath,
R/o A-8/2, Ground Floor, Hari Nagar,
New Delhi-110064
5. Chandrma Mahato,
S/o R.K. Mahato,
R/o E-294, Mahavir Enclave,
New Delhi-110059
6. Dharam Das,
S/o Sh. Suraj Pal,
R/o 16, Jamuna Road,
Civil Line, Delhi-110054
7. Hari Das Gupta,
S/o Sh. Dalip Gupta,
R/o 129, Libaspur, PO Samay Pur,

Delhi-110042



8. Smt. Savitri Devi,
W/o Sh. Dharam Veer,
R/o VPO Bawana, Delhi-110039
9. Anita Banerjee,
D/o Late Sh. P.K. Banerjee,
R/o WZ-126, Shiv Nagar, Gali No. 7,
Delhi-110058
10. Durga Prasad,
S/o Late Sh. Kanhaya Lal,
R/o D-801, Madipur Colony,
New Delhi-110063
11. Banwari Lal,
S/o Sh. Bal Singh,
R/o VPO Barthar Dwarka,
Sec-26, New Delhi-110077
12. Sanjay Kumar Banerjee,
S/o Late Sh. B.C. Banerjee,
R/o WZ-242, Virender Nagar,
Gali No. 6, New Delhi-110058
13. Devender Kumar Jain,
S/o Sh. Balu Ram Jain,
R/o 16/123, Jain Street, Sarai Mohalla,
Rohtak, Haryana
14. Chander Parkash,
S/o Sh. M.P. Sharma,
R/o RZ-20J, Gali No. 6,
Main Sagar Pur, New Delhi-110046
15. Hari Om,
S/o Late Sh. Kartar Singh,
R/o H. No. 206, VPO Mahipal Pur,
New Delhi-110037



16. Madan Lal,
S/o Late Sh. Ram Kishan,
R/o 4/5876, Street No. 4, Dev Nagar,
Karol Bagh, New Delhi-110005
17. Sushil Kumar,
S/o Sh. Ranjeet Singh,
R/o 9/616, Shastri Street, Vishwas Nagar,
Delhi-110032
18. Mohan Lal,
S/o Sh. Bhim Singh,
R/o H. No. 357, Malik Pur Kohl,
Rangpuri Pahari, PO Mahipal Pur,
New Delhi-110037
19. Balwan Singh,
S/o Late Sh. Yeedam,
WT 13 A, Gali No. B,
Baljeet Nagar, New Delhi-110008
20. V. Guru Murthi,
S/o K. Venkataraman,
R/o F-5/49, Sec-15, Rohini,
Delhi-110089
21. Ishwar Singh,
S/o Late Sh. Ran Singh,
R/o H. No. 137, Guruwala Mohalla,
V&PO-Dhansa, New Delhi-110073
22. Naresh Chand Sharma,
S/o Sh. Vithan Lal Sharma,
R/o B-153, Gali No. 30, Village Gokul Pur,
New Delhi-110094
23. Rajesh Bajaj,
S/o Sh. Om Prakash Bajaj,
R/o A-1/229, Sec-4, Rohini,

New Delhi-110085



24. Mahesh Kumar
S/o Sh. Chhote Lal,
R/o WZ-1584, Nangal Raya,
New Delhi-110046
25. Jai Narain,
S/o Late Sh. Chander,
R/o H. No. 133, VPO Lam Pur,
Narela, Delhi-110032
26. Vishnu Kumar,
S/o Sh. Sakhi Chand,
R/o WZ-159A/D-28, Khazan Basti,
Nangal Raya, New Delhi-110046
27. Meenu Prashar,
D/o Sh. Baldev Krishan,
R/o A-258/1, Hari Nagar,
Clock Tower, New Delhi-110064
28. Sunita Kumari,
D/o Sh. Murari Lal,
R/o B-542, Budh Nagar,
Indper Puri, New Delhi-110012
29. Narender Kumar,
S/o Sh. Muni Ram Vashist,
R/o VPO Chhawla, New Delhi-110071
30. Virender Singh,
S/o Sh. Ishwar Singh,
R/o WZ-358, Sakur Pur Village,
Delhi-110034
31. Jai Pal Singh,
S/o Sh. Ram Singh,
R/o B-211A/11A, Bhajan Pura,
Delhi.



32. Chander Prakash,
S/o Sh. Hira Ballav,
R/o B-1, H. No. 17, Satya Vihar,
Burari, Delhi-110084
33. Jeet Ram Yadav,
S/o Sh. Todar Mal,
R/o VPO Pandwala Khurd,
New Delhi-110043
34. Pawan Kumar,
S/o Sh. Joginder Lal,
R/o K-1/59, Mohan Garden Extn.,
New Delhi-110059
35. Satish Kumar Vashist,
S/o Sh. Chetram Vashist,
R/o VPO Chhawla, New Delhi-110071
36. Mukesh Kumar,
S/o Sh. Rajinder Prasad,
R/o R/Z-106 A Block Dharam Pura,
Najafgarh, New Delhi-110043
37. Rajender Singh,
S/o Sh. Jai Narayan,
R/o M-37, Vijay Nagar Colony,
Bawana, Delhi-110039
38. Virender Kumar,
S/o Late Sh. Niranjan Dass,
R/o H. No. 366, Sec-9-A, Gurgaon,
Haryana
39. Hari Prakash Arya,
S/o Sh. Surat Singh,
R/o RZ-37-B, Gali No. 5/7,
Main Sagar Pur, New Delhi-110046



40. Suman Lata Yadav,
S/o Sh. U.S. Yadav,
R/o A-1/75, Chanakya Place, C-1,
Janak Puri, Delhi-110059
41. Kamal Kumar,
S/o Sh.
R/o RZ-220, G-Block,
Gali No. 12, Sita Puri, Part-II
New Delhi-110046
42. Smt. Rajo Devi,
W/o Late SH. Ashok Kumar,
R/o H. No. 142, Singika Bas Mohalla,
Distt.-Rewari, Haryana
43. Amar Singh,
R/o WZ-924/10, Nangal Raya,
Pankha Road,
New Delhi-110046.
44. Amar Nath,
R/o C-1/103, Madhu Vihar,
Gali No. 4, Uttam Nagar,
New Delhi-110059
45. Sandeep Arora,
S/o Sh. H.N. Arora,
R/o H. No. 857, Tilak Gali,
Kashmire Gate, Delhi
46. Tilak Raj Singh Bakshi,
R/o A-147-G/3, Shalimar Garden Extn.-2,
Sahibabad, Ghaziabad, UP.

...Applicants

(By Advocate: Mr. MK Bhardwaj)

VERSUS

UOI & Ors.



1. UNION OF INDIA
Through its Secretary
Ministry of Defence,
Government of India
Sena Bhawan, New Delhi.
2. The Directorate General (EME),
Masters General of Ordnance Branch,
IHQ, MOD (Army), New Delhi
3. The Director, EME (Civil),
Directorate General of EME,
Masters General Ordnance Branch,
Integrated Headquarter, MoD (Army),
New Delhi
4. The Commandant,
505, Army Base Workshop,
C/o 56 APO, Delhi Cantt.

...Respondents

(By Advocate: Shri Piyush Gaur)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy:

In the EME Wing of the Ministry of Defence, there exist the skilled and highly skilled Grades, with the distribution of 45:55. As regards highly skilled, there used to be a further facility of upgradation to the extent of 25% of that grade to the level of Master Craftsmen (MCM) on completion of 10 years of service and subject to their ACRs being found fit. The applicants were

initially appointed as skilled and highly skilled on 25.03.2003. Between the years 2007 and 2009, they were elevated to the level of MCM.



2. In the course of the restructuring of the Wing, it was decided on 14.06.2010 that the post of MCM shall be treated as a promotional avenue in light of this development. Representations are also said to have been received, complaining overlooking of seniority, when the applicants were elevated as MCM. Show cause notices were issued to the applicants on 04.02.2014, requiring them to explain as to why their upgradation to the MCM be not withdrawn. This OA is filed, challenging the action of the respondents in proposing to withdraw the benefit of MCM extended to the applicants.

3. It is stated that their elevation was much prior to the restructuring of the department and there was absolutely no basis for proposing to withdraw the same. They deny the alleged irregularities, when they were made MCM.

4. The respondents filed a counter affidavit, opposing the OA. It is stated that the necessity to issue show cause notice arose on account of the restructuring of the

department and on account of the fact that some of the highly skilled craftsmen, who were senior to the applicants, were left over and at a later stage, they were promoted and the applicants are liable to be reverted.

5. We heard Shri M.K. Bhardwaj, learned counsel for the respondents and Shri Piyush Gaur, learned counsel for the respondents.

6. The OA is filed, challenging the individual show cause notices issued to the applicants. The show cause notice reads as under:-

“1. It is intimated that as per Govt. of India, Min. of Def. OM No.11(5)/2009-D(Civ) dated 14 Jun 2010 the post of MCM shall be part of hierarchy and placement of Highly Skilled in the grade of MCM will be treated as promotion w.e.f. 01 Jan.2006. Prior to Refer to the issue of Govt. letter dated 14 June 2010, junior tradesmen were elevated to MCM through BOO post Jan. 2006. Due to ibid change in the policy, all Master Craftsman board held between 01 Jan.2006 to 14 Jun 2019 have been reviewed by a screening committee held from 27 Sep 2012 to 03 Jul 2013 to ensure promotions to Master craftsman be done strictly as per seniority.

2. It is further intimated that in the said review committee, your name has been recommended for reversion to your previous grade/post from where you have been elevated to Master Craftsman from the date you were elevated to Master Craftsmen, as persons senior to you are required to be promoted to Master craftsman prior to you as per promotion policy against the existing vacancies.





3. It is also intimated that on reversion, your pay will be fixed as per FR 31A and no recovery will be done for the excess payment drawn by you for the period you performed the duties of Master Craftsman.

4. Therefore, you are hereby reverted back to your previous grade/post from where you had been elevated to the present post i.e. Master Craftsman. In case you have any representation against this order, your reply should reach this office within seven days from the date of receipt of this letter.”

7. Two reasons were mentioned. The first is that the grade of skilled and highly skilled was restructured and the post of MCM was treated as a promotional avenue. The second is that when the applicants were conferred benefit of MCM, many seniors to them were left out and at a later stage, they have been promoted.

8. Normally, the applicants have to file their explanation and the respondents are required to take the same into account and to pass a final order. It is brought to our notice that in OA No. 60/2014, the Cuttack Bench of this Tribunal passed an order on 27.08.2019, directing that the respondents can take a final decision, having regard to the fact that the restructuring was only from the year 2010 and the promotion or upgradation made earlier thereto can be

protected to the extent possible. The ultimate discretion was, however, given to the concerned respondent.



9. It is also brought to our notice that in compliance with the directions issued in the OA, AD Static Wksp Gopalpur passed an order dated 04.12.2019 to the effect that there is no necessity to revert the applicants in that OA.

10. The question as to whether the same situation obtains in respect of the applicants in this OA also, and if so, what are the measures to be taken, needs to be examined by the respondents. We do not propose to record any definite and clear findings in this behalf.

11. We, therefore, dispose of the OA, directing the respondents to pass appropriate orders by treating the contentions raised by the applicants herein as reply to the show cause notice. The adjudication undertaken by this Tribunal in OA No. 60/2014 shall also be kept in view. The exercise in this regard shall be complied with, within a period of two months from the date of receipt of a copy of this order.

Pending MA, if any, shall also stand disposed of.

There shall be no order as to costs.



(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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