

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.167/98

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New Delhi this the 1st day of February, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman
Hon'ble Mrs. Shanta Shastry, Member (Admnv)

1. Mahenderpal Sharma s/o Sh. Ramkirpal,
R/o H-4A, Dharam Pura, Najafgarh,
New Delhi-43.
2. Kishan Chand s/o Sh. Ram Kishan,
R/o 3/523 Nai Basti, Bahadurgarh,
Haryana.
3. Dharamvir Singh s/o Sh. Suraj Mal Rathi
R/o C-89 Yadav Nagar,
Delhi-42.
4. Khem Chand s/o Sh. Shyam Dass
R/o H.No.884 Sector-7 Ext.
Urban State, Gurgaon (Haryana). ...Applicants

(By Advocate Shri Yogesh Sharma)

-Versus-

1. Union of India through
the Secretary, Ministry of
Home Affairs, Northern Block,
New Delhi.
2. The Chief Secretary,
National Capital Territory of Delhi,
5 Sham Nath Marg, Delhi.
3. The Chief Engineer (I&F),
IV Floor ISBT Bldg, Kashmere Gate,
Delhi.
4. The Secretary,
Ministry of Finance, North Block,
New Delhi. ...Respondents

(By Advocate Shri Rajinder Pandita)

O R D E R (ORAL)

By Reddy J.-

The applicants have been working as Tubewell Operators in the pay scale of Rs.950-1500/3050-4590 in the Department of Irrigation and Flood of National Capital Territory of Delhi. The case of the applicants is that they do not have any promotional avenues from the

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post of Tubewell Operators. The applicants relied upon the proceedings dated 13.9.91 issued by the Government of India Group 'C' and 'D' employees who fulfil the conditions at clauses 1, 2 and 3 in the OM will be considered for in-situ promotion in the next higher scale subject to their working in the post for a minimum period of one year. The grievance of the applicants is that in spite of the above orders of the Government of India the respondents are not granting them in-situ promotion. (6)

2. The learned counsel for the respondents Shri Rajinder Pandita submits that the scheme for in-situ promotion was not operative after the Fifth Pay Commission's recommendations have been accepted by the Government. No fresh orders from 1.1.96 have been received from the competent authority so as to give any benefit to the applicants of in-situ promotion.

3. We have given careful consideration to the arguments advanced by the learned counsel for the applicants and the respondents. We have perused the scheme dated 13.9.91. Under this scheme the applicants who are in Group 'C' posts under Government of Delhi are entitled for in-situ promotion. The only question ^{to be considered} is whether the scheme is operative after the Fifth Pay Commission's report. We do not find any indication in the scheme itself that it is operational upto 31.12.95 only. The learned counsel for the applicants also brought to our attention the orders dated 23.6.99 whereunder the Government of India has directed the Commissioner of

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(3)

Police to grant in-situ promotion to the Barbers in the Delhi Police who are in Group 'C' and 'D' posts on the basis of the scheme dated 13.9.91. It is, therefore, clear that the scheme is still in operation even subsequent to the Fifth Pay Commission's report. We, therefore, direct the respondents to consider the case of the applicants for in-situ promotion in accordance with the scheme dated 13.9.91. As the case is filed on 15.1.99 the benefits should be given from 1.1.98.

4. The O.A. is accordingly allowed. No costs.

Shanta I

(Smt. Shanta Shastry)
Member (Admnv)

'San:'

V. Rajagopala Reddy

(V. Rajagopala Reddy)
Vice-Chairman (J)