

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA.No.2861/99/PB

New Delhi, this 26th day of March 2001


HON'BLE SHRI KULDIP SINGH, MEMBER(J)
HON'BLE SHRI M.P. SINGH, MEMBER(A)

1. A. Sitaram
Stenographer Grade-III
Office of the Chief Engineer
Southern Command
PUNE-411 001
2. P.V. Chandran
Stenographer Grade-III
Office of the Garrison Engineer(P)
Vasco-Da-Gama
GOA - 403 802
3. Smt. Padmini Pillai
Stenographer Grade-III
Office of the Commander
Works Engineer(Navy)
Gasco-Da-Gama
GOA - 403 802
4. A. Ramachandran
Stenographer Grade-III
Office of the Garrison Engineer
Panaji
GOA - 403 801
5. Mrs. K.V. Shyamala
Stenographer Grade-III
Office of the Commander
Works Engineer(Army)
Panaji
GOA - 403 801

... Applicants

(By Advocate: None present)

versus

1. Union of India,
Through the Secretary
Ministry of Defence
DHQ PO
New Delhi-110 011
 2. The Engineer-in-Chief
Army Headquarters
Kashmir House
New Delhi-110011
 3. The Chief Engineer
Southern Command
PUNE-411 001
 4. The Garrison Engineer(P)
Vasco-Da-Gama
GOA-403 802
- 

- ## ... Respondents

ORDER(oral)

By filing this OA, the applicants are seeking directions to the respondents 1 to 3 to consider their cases for upgradation as has been done to a large number of Stenographers consequent upon the judgement of the Tribunal in the case of P.M.Haridas Vs UOI & Ors in OA.No.1023/93.

2. The brief facts of the case are that the applicants are working as Stenographer Grade-III in different establishments of M.E.S. under Chief Engineer, Southern Command. They have stated that as per DOPT Memo dated 6.2.1989, the entitlement of officers for stenographic assistance in subordinate offices was revised which is as under:

- | | |
|---------------------------|------------------------|
| 1. Stenographer Grade-III | Rs.3000-4500 and below |
| (Rs.1200-2040) | Rs.3700-5000 |
| 2. Stenographer Grade-II | Rs.3700-5000 and above |
| (Rs.1400-2300) | and below Rs.5100-5700 |



.3.

3. Stenographer Grade-I Rs.5100-5700 and above
(Rs.1640-2900) and below Rs.5900-6700

4. Senior P.A. Rs.5900-6700 and above
(Rs.2000-3200) (Officers of Sr. Admin.
Grade or equivalent
posts)."

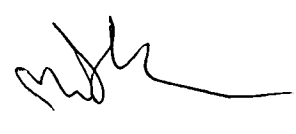
3. As per these instructions of DOPT, the applicants who are working as Stenographer Grade-III, ought to have been upgraded to the higher post of Stenographer Grade-II since they have been working in the present grade for over 23 to 24 years without any promotion. They have also stated that a number of Stenographers working under respondents 2&3, filed OA.1023/93 and OA.729/92 in the Tribunal and the Tribunal vide its common judgement dated 8.8.1995 allowed the OAs and directed the respondents to grant the benefit of O.M. dated 6.2.1989 with effect from 1.1.1986 with all consequential reliefs including arrears of pay, except that the actual payment of arrears on the basis of pay fixation with effect from 1.1.1986 shall be restricted to the period of one year next before filing of the petition. The applicants have further stated that the respondents are not extending the benefits of the said judgement to similarly placed persons, like the applicants. They have submitted their



representations to the respondents to upgrade their post, but no reply has yet been received from the respondents. Aggrieved by this, they have filed this OA.

4. The respondents in their reply have stated that the judgement dated 8.8.1995 in OA.1023/93 is not applicable to the applicants. According to them, none of the applicants is entitled to the benefits of the judgement as long ago they had opted for clerical cadre. The respondents have further stated that once the applicants had opted for clerical cadre, they cannot revoke the option in accordance with the Enginner-in-Chief's Branch letter dated 31.5.1975 (Annexure R-2) and they have ceased to be members of the Stenographers cadre though they are still working as Stenographers. Consequently, the applicants are not entitled to the benefits of OM dated 6.2.1989 (Annexure A-1). Since they have given their option for clerical cadre, they are also not entitled to the benefits of the judgement of the Tribunal in OA.1023/93. For the aforesaid reasons, the OA has no merit and the same is liable to be dismissed.


5. Heard the learned counsel for the respondents and perused the record.



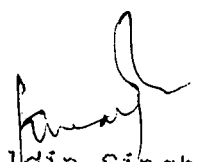
.5.

6. It is not in dispute that the applicants have given their option for promotion in the clerical cadre as per Engineer-in-Chief's Branch letter dated 31.5.1975. It is seen from Annexure R-1(E) that an entry to this effect has also been made in the service records of the applicants. According to para-3 of the aforesaid letter option once exercised will not be allowed to be revoked. Since the applicants themselves have opted for their promotion in the clerical cadre, they cannot agitate for promotion in the Stenographer grade.

7. For the above reasons, the OA has no merit and the same is accordingly dismissed. No order as to costs.


(M. P. Singh)
Member(A)

dbc


(Kuldip Singh)
Member(J)