

Central Administrative Tribunal
Principal Bench

O.A. No. 878 of 1998
M.A. No. 2468 of 2000

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New Delhi, dated this the 19th March, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Umesh Chandra,
S/o Shri Jauhari Singh,
Working as Electrician (MV),
O/o A.H.Q Static Workshop,
R/o RZ-D-1/A-99, Gali No. 5,
Mahavir Enclave,
New Delhi.

.. Applicant

(By Advocate: Shri A.K. Trivedi)

Versus

1. Union of India through
the Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. Commanding Officer,
Army Headquarters Static Workshop,
E.M.E.
Delhi Cantt.
New Delhi-110010.

.. Respondents

(By Advocate: Shri A.K. Bhardwaj)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 17.9.96 (Annexure A-1) and seeks fixation of pay in the scale of Rs.1200-1800 w.e.f. September, 1989, that is the date of his promotion in the trade of Electrician (MV) with all consequential benefits.

2. During the pendency of the O.A. applicant filed M.A. No. 2468/2000 which, besides seeking the reliefs in Para 1 above, also impugned the Recruitment Rules, 1988 for the post of Electrician (MV) skilled grade.

3. Heard both sides.

4. Admittedly applicant was appointed as a Labour in Army Headquarters Static Workshop, EME, Delhi Cantt. w.e.f. 9.7.83 and was promoted as Electrician Mate (Rs.210-290) w.e.f. 8.9.86. As per Defence Ministry's letter dated 11.5.83 (Annexure A-2), Industrial workers in E.M.E. were to be filled in the following five scales of pay w.e.f. 16.10.81.

i) Unskilled Grade	Rs. 195 - 232
ii) Semi-skilled Grade	Rs. 210 - 290
iii) Skilled Grade	Rs. 260 - 400
iv) Highly Skilled Gr. II	Rs. 330 - 480
v) High Skilled Grade I	Rs. 380 - 560

5. It is not denied that pursuant to Defence Ministry's letter dated 15.10.84, posts in the last three grades were to be apportioned in the ratio of 65%, 20% and 15%.

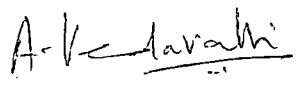
6. Respondents' counsel Shri Bhardwaj asserted during hearing, and this assertion was not denied by applicant's counsel Shri Trivedi that there were 6 posts in respondents' organisation at the time applicant was trade tested for fitment in one of the aforesaid three categories. As per the aforesaid percentage, one post was available in Electrician HS Grade I, one post in Electrician HS Grade II and four posts in Electrician Skilled Grade. As persons senior to applicant were already occupying the posts of Electrician HS Grade I, and Electrician HS Grade II,

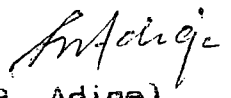
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applicant could be fitted only as Electrician Skilled grade in the pre-revised scale of Rs.260-400 and revised scale of Rs.950-1500. Indeed, the impugned letter dated 17.9.96 makes it clear that persons senior to applicant have been placed in the same scale of Rs.950-1500 as him.

7. Further there is nothing in the impugned Recruitment Rules of 1988 for the post of Electrician (MV) Skilled Grade which can be said to be violative of Articles 14 and 16 of the Constitution. Indeed its contents are not inconsistent with Defence Ministry circular dated 11.3.83.

8. The O.A. and M.A., therefore, warrant no interference. They are dismissed. No costs.


(Dr. A. Vedavalli)
Member (J)


(S.R. Adige)
Vice Chairman (A)

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