

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2404 of 1995

New Delhi this the 11th day of July, 1996

HON'BLE SHRI JUSTICE A. P. RAVANI, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

1. Vijay Kumar S/O Harish Chand,
R/O 422-H, Pocket-II,
Mayur Vihar, Phase-I,
New Delhi.
2. Peter Jirkey,
Fitter Grade Mechanic-II,
S/O Shri Anflus Jirkey,
R/O 145, Type-II, Press
Colony, Mayapuri,
Delhi.
3. Kalu Ram,
Fitter Grade Mechanic-II,
S/O Ishwar Singh,
R/O 65, Police Colony,
Sector-XII, R.K.Puram,
New Delhi. ... Applicants

(By Mrs. Meera Chhibber, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of
Civil Aviation,
Rajeev Gandhi Bhawan,
Safdarjung Airport,
New Delhi.
2. Director General Civil Aviation,
Office of the DGCA,
Opp. Safdarjung Airport,
New Delhi.
3. Director,
Research & Development,
Technical Centre,
Opp. Safdarjung Airport,
New Delhi. ... Respondents

(By Shri V. S. R. Krishna, Advocate)

O R D E R (ORAL)

Shri Justice A. P. Ravani —


Applicant No.1 is serving as Supervisor while
applicants 2 and 3 are serving as Fitter Mechanic

(3)

Grade-II. The applicants contend that they do not have any chances of further promotion. All the three applicants had made representations for granting promotion to the grade of Aircraft Maintenance Engineer (AME). The representation was rejected vide letter dated May 2, 1995 (Annexure F-I). Relevant portion of the said letter reads as follows:-

"The request of Sh. Vijay Kumar Supervisor (CMS) regarding exclusion of Aircraft Mechanic Cadre (3 posts Rs.1320-2040) and Aircraft Welder (1 post Rs.1400-2300) from the Sheet Metal Cadre has been considered in detail by Administration and Director Research and Development but cannot be agreed to.

Similar representation from Sh. R.N. Pandey, Chargeman on the subject was received and replied after examining it in detail (copy enclosed)."

2. The applicants have challenged the legality and validity of the aforesaid decision by filing this O.A.

3. In response to the notice issued by this Tribunal on behalf of the respondents reply has been filed. At page 8 of the reply referring to the grounds of challenge averred in the O.A., it is inter alia stated as follows :-

"It has been amply made clear in the aforesaid paras that the post of Aircraft Mechanic cannot be excluded from Sheet Metal Shop. However, it is seen that after the post of Fitter Mechanic Grade I was created in May, 1993, there appears to be need for revision of Recruitment Rules/restructuring some cadres in Sheet Metal Shop. At present, Fitter Mechanic Grade II (Pay Scale Rs.1150-1500) is eligible for promotion for the post of Fitter Mechanic Grade-I (Pay Scale Rs.1320-2040) after five years of service

prc

(9)

in the feeder cadre and for promotion to grade of Supervisor (Rs.1400-2300) which is higher than the post of Fitter Mechanic Grade I after four years of service. Moreover, the scale of the post of Chargeman (Rs.1400-2300) which is the promotion post for the post of Supervisor (Rs.1400-2300) is the same as that of Supervisor. This anomaly need to be rectified. The Department of Personnel & Training will be approached for revision in the Recruitment Rules."

4. In view of the aforesaid reply, it is submitted on behalf of the applicants that the respondents should be directed to take further actions for revision of the relevant rules within stipulated period.

5. Having regard to over all facts and circumstances of the case, we are of the opinion that the ends of justice would be met if the application is disposed of by giving following directions :-

Respondents shall take follow up actions as averred by them in the reply paragraph of which is extracted hereinabove. The follow up actions as indicated in the reply shall be taken by the concerned respondent latest by November 30, 1996.

6. The O.A. stands disposed of accordingly.

/as/

Roshan
(R. K. Ahonja)
Member (A)

APR
(A. P. Ravani)
Chairman