

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO.268/95

(4)

New Delhi, this the 23rd day of August, 1995

Hon'ble Shri J.P. Sharma, Member(J)

Hon'ble Shri B.K. Singh, Member(A)

1. Shri Gela, s/o Sh. Chuni Lal

2. Shri Dalel Singh s/o Sh. Badle Ram

3. Shri Roop Chand s/o Sh. Chiranji Lal

4. Shri Mohan Gulathi s/o Shri Behari Lal

5. Shri Dharam Pal Dahiya s/o Shri Suoop Singh

6. Shri Prabhakar s/o Shri Parbhat.S.

7. Shri Pale Ram s/o Sh. Manhanti Ram

8. Shri Ramji Lal s/o Sh. Fakera

9. Shri Khacheru s/o Shri Gadlu

10. Shri Take Chand s/o Shri Suoop

All are working as Mazdoor in
the office of Station Health
Organisation, Unit, Lal Kila, Delhi.

... Applicants

By Advocate: Shri V.P. Sharma

Vs.

1. Union of India
through the Secretary,
Ministry of Defence, New Delhi.

2. The Director General of Medical Services,
Ministry of Defence, L. Block, New Delhi.

3. The Director of Medical Services,
Army Medical Corps, L. Block, New Delhi.

4. The Commanding Officer,
Station Health Organisation, Lal Kila,
Delhi-6.

... Respondents

By Advocate: Shri B.K. Aggarwal

(S)

ORDER (ORAL)

Hon'ble Shri J.P. Sharma, Member(J)

The applicants are working as Mazdoor in the office of Station Health Organisation, Lal Kila, Delhi.

Their date of appointment to the post was shown in Annexure A-2 filed by the applicants. However, the respondents have also in the Annexure R-2 given the date of appointment and that date of appointment is not disputed by the counsel for the applicant. The respondents have also given the date of reaching the maximum of the scale in the next column and in another column the date of granting career advance scheme has also been given against each of the applicants except Shri Ramji Lal, Applicant No.8. The applicants have claimed situ-promotion in the pay scale of Rs.800-1150 from the date of their entitlement i.e. 1.4.91.

However, the respondents in Annexure R-2 annexed with the reply, the date of entitlement is shown different against each of the applicants except Shri Ramji Lal. We also find that in Annexure R-2 S/Shri Ramji Lal, Khacharu and Tek Chand, Applicant Nos 8, 9 and 10 have already been appointed as Mute in the scale of Rs.800-1150 from 1.4.91, 1.9.92 and 8.8.94 respectively. The relief claimed for by the applicants jointly in this application on is

entitled for promotion *in situ* in the shape of granting the pay scale of Rs.800-1150 w.e.f. 1.4.91 on the basis of Govt. of India's O.M. dated 13.9.91 and O.M. dated 6.11.91 annexed to the O.A. as Annexure A-6 and A-7 respectively.

It is also claimed that the respondents may be directed to act upon their own O.M. dated 13.9.91 and 6.11.91.

On notice the respondents filed their reply.

Though in the reply various averments made in the application are not squarely admitted but alongwith this counter Annexure R-3,~~4 and 5~~ have been filed. This O.M. dated 16.1.95 was issued in the form of corrigendum making certain correction in the letter dated 18.5.94 relating to Career Advancement of Group 'C' and Group 'D' that employees retaining/*in situ* promotional scale for Group 'D' posts of Ward Sahiyika would be Rs.800-1150.

On 13.7.95 again an amendment has been made for making certain entries at S.No.2 and 16. Again on 18.7.95, further given a consolidated order where in para 3 it is written that now these categories will get promotion *in situ* in the next higher grade available to them in the normal line/hierarchy of promotion in the grade of Rs.1200-2040 and Rs.800-1150 respectively if they fulfil the conditions as laid down in the Ministry of Finance (Department of Expenditure) O.M. No.10(1)/E-III/88 dated 13.9.91.

(2)

The applicants have also filed the rejoinder. When the case came up for hearing, the learned counsel Shri V.P. Sharma gave a statement that the case of the applicants be disposed of in terms of Annexure R-3 filed by the respondents. The learned Counsel Shri B.K. Aggarwal for respondents also states that Annexure R-3 still has the force and the scale mentioned therein can be granted as per the aforesaid O.M. to the applicants. Shri V.P. Sharma, however, states that inspite of this letter of 18.7.95 the applicants have not been favoured with the grant of aforesaid scale of situ promotion and consideration of the higher promotion in the scale of Rs.800-1150.

In view of the above statement of the learned counsel of the parties, the application is disposed of in terms of the O.M. filed as Annexure R-3 dated 16.1.95, 13.7.95 and 18.7.95 with the direction to the respondents to grant applicants who have not been granted in situ promotion in the scale of Rs.800-1150 as they fall within the ambit and scope of the aforesaid O.M. as conceded by the learned counsel for respondents Shri B.K. Aggarwal. The respondents to comply with the above direction within a period of 3 months from the date of receipt of copy of the order. Cost on parties.

(B.K. SINGH)
MEMBER(A)

(J.P. SHARMA)
MEMBER(J)