

(Signature)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-561/95

New Delhi this the 1st day of January, 1997.

Hon'ble Shri S.R. Adige, Member(A)
Hon'ble Dr. A. Vedavalli, Member(J)

1. Shri Mahendra Pal(I)
229/44A, Railway Colony,
Mandawali, Fazalpur,
Delhi-92.
2. Shri A.N. Guha(18),
1663-Y, Timarpur,
Delhi-54.
3. Shri Arun Kumar(22),
WZ-643, Naraina Village,
New Delhi-28.
4. Shri Braj Bhushan Sharma(3),
64, Shivpuri, Sector-9,
Vijay Nagar, Ghaziabad(UP).
5. Shri Gurcharan Singh(11)
F-1/276, Sultanpuri,
Delhi-41.
6. Shri Gyan Chand(21),
1-C, Press Block Old Sectt.,
Delhi-54.
7. Shri Hillarious Barwa(12),
699, Sunlight Colony,
Harinagar Ashram,
Delhi-14.
8. Shri Hira Ballabh(9),
J-284, Dakshinpuri,
Delhi-62.
9. Shri Jagan Nath(13),
H-24, Majnu-ka-Tilla,
Delhi-54.
10. Shri Kashi Nath Jha(7),
14/311, Dakshinpuri,
New Delhi-62.
11. Shri Khazan Singh(17),
188, Sarai Pipal Thalla,
Adarsh Nagar, Delhi-33.
12. Kiram Pal(4),
1079, Gali-15, D-Block,
Khajoori Khas,
Delhi-94.
13. Shri Kunwar Pal(19),
26-C, Seelampur Market,
Delhi-53.

(Pb)

14. Shri Nand Kishor(2),
104/8, Gali Shiv Mandir,
Maujpur, Delhi-53.
15. Shri Prem Singh(23),
85-A, Mohammedpur,
R.K. Puram,
New Delhi-66.
16. Shri Rajendra Prasad(20),
WZ-662, Village Palam,
New Delhi-45.
17. Shri Raksh Pal(10),
E-76, Shiv Vihar-III,
Kanwal Nagar, Delhi-94.
18. Shri Ram Nath(14),
12/IV, Timarpur,
Delhi-54.
19. Shri Ramesh Chandra(8),
K-1658, Jahangirpuri,
Delhi-33.
20. Shri Shiv Kishor(6),
4455, Aryapura,
Sabzimandi, Delhi-7.
21. Shri Vijay Singh Rana(15),
C-26, NPL Colony,
New Rajendra Nagar,
New Delhi-60.
22. Shri Vipan Sachdeva(5),
8/49A, Vijay Nagar, D/Storey,
Delhi-9.
23. Shri Vir Pal Singh(16),
E-614, Indragali Jagjit Ngr.,
Delhi-53. Applicants

(through Shri G.K. Aggarwal, advocate)

versus

1. Union of India through
Secretary,
Department of Defence Research &
Development and Scientific Adviser to
Defence Minister and Director-General
Research & Development, Ministry of
Defence, DHQ PO,
South Block, New Delhi-11.
2. The Director,
Defence science centre,
Metcalf House, Delhi-54.
3. The Director,
DESIDOC, Metcalf House,
Delhi-54. Respondents

(through Shri P.H. Ramchandani, Sr. Counsel)

ORDER
delivered by Hon'ble Sh. S.R. Adige, Member(A)

Applicants, who are Tradesmen-E in the pay scale of Rs.210-290/- and who were appointed subsequent to 15.10.1984 seek quashing of respondents impugned letter dated 29.2.1995 (Annexure A/1) denying them the benefit of higher pay scale of Rs.260-400 (PR) notionally with effect from 15.10.1984 and actually with effect from 9.2.1988 in terms of respondents letter dated 17.11.1993 (Annexure A/1) and ~~seek~~ ^{seek} the said benefits.

2. By SRO 221/81 dated 7.8.81 the DRDO (Industrial Posts) Recruitment Rules were amended and tradewise distinction were done away with and was replaced by a ~~grade~~ gradewise structure, with a common seniority in each grade, irrespective of the trade. In such a gradewise structure, the various Tradesmen were divided gradewise as follows:-

Name of Posts	No. of Posts	Pay Scale
Tradesmen A	1196	Rs.380-560
Tradesmen B	7	Rs.330-480 (abolished vide SRO/21/83)
Tradesmen C	1382	Rs.260-350
Tradesmen D	-	Rs.225-308 (abolished vide SRO/21/83)
Tradesmen E	1021	Rs.210-290

3. Posts of Tradesmen C were non selection posts to be filled by promotion from Tradesmen ~~E~~ with 3 years regular service in the grade.

4. Meanwhile based upon the recommendations of an Expert Classification committee set up to specifically evaluate Industrial and non industrial jobs, to classify various trades getting similar pay scale but performing dissimilar duties for fitment ^{into} ~~into~~ 3rd Pay Commission Scales, the Defence Ministry by letter dated 11.5.83 (Annexure-A) categorised these industrial workers as under:-

Category	Scale
1. Highly Skilled Grade-I	380-560
2. Highly Skilled Grade-II	330-480
3. Skilled	260-400
4. Semi Skilled	210-290
5. Unskilled	196-232

5. On introduction of these scales, some anomalies crept in ^{to remove which an Anomalies Committee} was set up, upon whose recommendations 11 trades of semi skilled were upgraded and granted higher scale of Rs.260-400, vide order dated

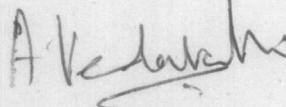
A

15.10.84 (Annexure A/3). This order was challenged and ^{eventually} the Central Administrative Tribunal Bangalore (Full) Bench in its judgement dated 18.6.1993 in OA No.111/91 G. Narayana Vs. U.O.I. & Ors. held that picking & choosing of only 11 trades from the common category of trades who were all in the same feeder category for promotion to group C, would result in discrimination against the excluded categories ^{1 and it} ~~is~~ ^{by} ~~not~~ is this vice of discrimination ~~not~~ picking & choosing of 11 trades for upgradation, that would be ~~neutralised~~ ^{neutralised} by the judgement of the Hyderabad Bench of the Tribunal which ^{had} directed that the benefit of upgradation be given to every trade which was in the feeder category on 15.10.1984. In its judgement the Full Bench also noticed the principles laid down by the Hon'ble Supreme Court in the case of Bhagwan sahai vs. Union of India (1989) 2 SCC 299 and the Venkatesan committee Report recommending the benefit of upgradation to all trades in the feeder category who were in position as on 15.10.1984 (emphasis supplied) ~~as~~ a one time measure, which had the merit of avoiding discrimination.

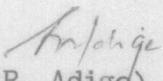
6. It is in this background that by the impugned order dated 17.11.1993 ~~all~~ ¹ Tradesmen E in different trades who were in the feeder category for promotion to Tradesmen C and who were in position as on 15.10.84 were given the benefit of one time upgradation to Tradesmen C in the pay scale of Rs.260-400 with notional seniority & pay fixation with effect from 15.10.1984 and actual benefits with effect from 9.2.1988.

7. This one time upgradation was in the nature of an in situ promotion of all those Tradesmen 'E' who were in position on 15.10.84, to Tradesmen 'C' and as admittedly the applicants were not in a position as Tradesmen 'E' on 15.10.84, they cannot seek upgradation from that date. We are fortified in our view by the C.A.T. Bangalore Bench judgement dated 21.9.95 in OAs No. 886, 984-991 of 1994 T.A. Moses & Ors. vs. Union of India & Others.

8. The application, therefore, fails and is dismissed.
No costs.


(Dr. A. Vedavalli)

Member (J)


(S.R. Adige)

Member (A)

/cc/