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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH  
NEW DELHI

O.A. No. 1246 of 1994

HON'BLE MR. New Delhi, dated the 27th November, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE MR. D.C. VERMA, MEMBER (J)

Shri D.N. Singh,  
S/o late Swami Chetanand,  
R/o Q. No. 2H-3, Ordinance Factory  
Estate,

Muradnagar,  
Distt. Ghaziabad, U.P. .... APPLICANT

(By Advocate: Shri A.K. Bhardwaj)

VERSUS

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

2. The Director General,  
Ordinance Factory Board,  
10-A Auckland Road,  
Calcutta.

3. The General Manager,  
Ordinance Factory,  
Muradnagar,  
Distt. Ghaziabad.

4. Shri N.P. Bhatt,  
pharmacist,  
Ordinance Factory,  
Dehradun.

5. Shri Bhawan Ram,  
pharmacist,  
Ordinance Factory,  
Dehradun.

..... RESPONDENTS

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

ORDER (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri D.N. Singh,  
pharmacist, Ordinance Factory, Muradnagar has sought  
for a direction to the Respondents to decide whether

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the promotion to the post of pharmacist Grade Rs.1400-2600 has to be made as per all-India basis or unit basis and for a further direction for consideration of his case for promotion as pharmacist in the scale of Rs.1400-2600.

2. Shortly stated the applicant's case is that prior to the recommendation of the 4th pay Commission, pharmacists were placed in the scale of Rs.330-560 and the pharmacists (Selection Grade) in the scale of Rs.425-640. The applicant's contention is that as per para 11.82 of the 4th pay Commission's recommendation the replacement scale for pharmacist in the scale of Rs.330-560 is Rs.1350-2200 and the replacement scale for pharmacist (SG) in the scale of Rs.425-640 is Rs.1400-2600. The applicant therefore contends that by virtue of his seniority he is entitled to the grade of Rs.1400-2600 and further contends that two persons junior to him namely S/Shri N.P. Bhatt and Bhawan Ram have been promoted as pharmacist (SG) in the scale of Rs.1400-2600 whereas he has been denied the same. In this connection Shri Bhardwaj states that pursuant to the 4th pay Commission recommendations, the Respondents issued SRO 1989 relating to Ordinance Factories, item 56 of which provides 256 posts of Selection Grade pharmacists (including posts in the ordinary grade) for which a pay scale of Rs.1400-2600 have been prescribed.



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3. The respondents in their reply have contested the O.A. and they stated that no doubt it is true that prior to the 4th pay Commission, pharmacists were placed in the scale of Rs.3300-560 and the pharmacists (SG) in the scale of Rs.425-640. but they contend that consequent to the 4th pay Commission's recommendation the Selection Grade posts were abolished. In this connection they have invited our attention to the contents of Chapter 23 of the pay Commission's Report on promotion policy wherein abolishment of Selection Grade for Group D and Group C posts was recommended. It is stated that these recommendations were accepted in toto and now there are no post of (Selection Grade) pharmacists. The Respondents have stated that consequently replacement scale of Rs.1400-2600 in respect of pharmacists (SG) in the scale of Rs.425-640 does not exist after the 4th pay Commission's report. It is contended further that the promotion to S/Shri Bhat and Bhawan Ram was erroneous and the same was corrected by a corrigendum dated 27.1.95 (Annexure R-1 to the MA).

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4. During arguments Shri Bhardwaj has contended that the basic grievance of the applicant is the lack of promotional opportunities, although he has been in service as pharmacist since 1964 and will retire on superannuation in July, 1996. In this connection Shri Bhardwaj has also invited our attention to the ruling of the Hon'ble Supreme Court in CSIR Vs. K.G.S. Bhatt and another 1989 (11)ATC 880 wherein the Respondent in that case had been denied ~~the~~ promotion even though he had been in service for 20 years due to the defective promotion policy of the employer institution, which the Hon'ble Supreme Court noted <sup>was</sup> <sup>a</sup> ~~with~~ ~~the~~ sad commentary on the part of appellant-employer/management. Other rulings to this effect have also been quoted by the applicant's counsel such as Raghunath Prasad Singh Vs. Secretary, Home (Police) Deptt. Govt. of Bihar and Ors. 1988 ATC (8) 220. In this connection we note that the applicant had filed several representations too to the Respondents, the first being dated 20-4-94 (Annexure A-1) and the second dated 3.5.94 (Annexure A-2) which the applicant states have remained unreplyed to.

5. In the light of what has ben stated above, we dispose of this O.A. with a direction to the Respondents to consider the applicant's grievances in the light of the contents of his representations and dispose of the said representations by a detailed, speaking and reasoned order within two months from the date of receipt of a copy of this judgment. In the event that any further grievance still





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survives, it will be open to the applicant  
to agitate the same through appropriate  
original proceedings in accordance with law if  
so advised. No costs.

(D.C. VERMA)  
Member (J)

(S.R. ADIGE)  
Member (A)

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