

Central Administrative Tribunal, Principal Bench

Original Application No. 1439 of 1994

New Delhi, this the 17th day of August, 1999

8

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)  
Hon'ble Mr. N. Sahu, Member (Admnv)

1. B.N.Nangru S/o Sh. Ram Chand Nangru.
2. S.L.Hans S/o Sh. Ladha Ram,
3. H.S.Sandhu s/o Sh.Arjan Singh,
4. O.P.Sharma s/o Sh. Som Dutt Sharma,
5. J.R.Chaudhary s/o Sh. P.R.Chaudhary,
6. K.C.Ahuja s/o Sh. S.R.Ahuja,

All are working as S.T.A. office of  
Director General of Employment & Trg.  
Rafe Marg, New Delhi. - Applicants

(By Advocate - Shri V.P.Sharma)

Versus

1. Union of India through the Secretary,  
Ministry of Labour, Shram Shakti  
Bhawan, Rafi Marg, New Delhi.
2. The Director General, Director  
General of Employment & Trg., Rafi  
Marg, New Delhi. - Respondents

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

ORDER (Oral)

By Hon'ble Mrs. Lakshmi Swaminathan, Member (Admnv) :-

The applicants are aggrieved that respondent 2 i.e. the Director General of Employment & Training (in short "DGE&T") have refused to take further action in pursuance of their Note dated 23.9.1992 (Annexure-A-1).

2. Shri V.P.Sharma, learned counsel for the applicants has drawn our attention to item no. 5 of the Agenda for 13th meeting of the Office Council of DGE&T in which it has been stated, inter alia that the TA-I Section is collecting certain information from field offices regarding consideration of proposals for granting Selection Grade to the remaining and left out categories for filling up of Selection Grade posts of Junior Technical Assistants (in short 'JTAs'). After

13

collecting the information, the case was to be referred to the Finance for their concurrence. The learned counsel has submitted that this action of the respondents has been taken even after an order was passed by the Tribunal in the case of B.N.Nangru and others Vs. Union of India and others, in O.A.No.500 of 1987 decided on 8.9.1992. He has further submitted that nothing is known further as to the decision taken by the respondents in pursuance of this exercise undertaken by them by Note dated 23.9.1992.

3. Shri V.S.R.Krishna, learned counsel for the respondents has submitted that the aforesaid Note relied upon by the applicants relate to "left over" categories and his contention is that this does not, therefore, apply to the applicants. However, we note that the issue dealt with in item 5 of the Note was regarding filling up of Selection Grade posts of JTAs. The claim of the applicants in this OA is with regard to the same issue i.e. with regard to the grant of Selection Grade to them from the due date, without applying the condition of 14 years, with consequential benefits as provided in the Ministry of Labour (DGE&T) circular dated 3.4.1980 (Annexure-A-11) read with their circular dated 10.1.1977.

4. Shri V.P.Sharma, learned counsel has in particular stated that in view of paragraph 4 of the circular dated 3.4.1980 the condition of having rendered 14 years of service in the Ordinary Grade and having crossed 3/4th of the span of the scale of pay in the Ordinary Grade cannot be insisted upon by the respondents.

5. We note from the reply filed by the

9

respondents that they have submitted that the JTAs at Headquarters and those in the field offices form different cadres and while the latter category of officers are entitled to Selection Grade because of stagnation in their cadre, the same criteria do not apply to the applicants who are admittedly JTAs at Headquarters. However, from the documents on record we are unable to state that the filling up of Selection Grade posts of JTAs which is in the Selection Grade as proposed by the department's Note dated 23.9.1992 is not meant to apply to the applicants but will only apply to other left out categories.

6. In the above facts and circumstances of the case the OA is disposed of as follows :- the applicants are permitted to make a self contained representation together with annexures of all documents, they relied upon, to the respondents within two months from the date of receipt of a copy of this order. Thereafter the respondents shall examine the matter and dispose of the representation by a reasoned and speaking order with intimation to the applicants within three months. No order as to costs.

N. Sahu  
(N. Sahu)  
Member (Admnv)

Lakshmi Swaminathan  
(Mrs. Lakshmi Swaminathan)  
Member (J)

rkv.