

-10-

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2664/2000
M.A. NO. 3102/2000

New Delhi this the 5th day of September, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

1. Canteen Mazdoor Sabha (Regd.)
through working President Shri S.P. Khugsal
132-P, Sector 4, Pushp Vihar,
M.B. Road, New Delhi-17.
2. Dukh Haran Singh
S/o Sampat Ram
3. Chet Singh
S/o Kuwar Singh
4. Ram Dev
S/o Shri Ram
5. Jugal Kishore
S/o Tika Ram
6. Banwari Lal
S/o Suraj Pal
7. Kishan Singh
S/o Paryag Singh
(Applicants 2 to 7 c/o C.P.W.D. Canteen
Nirman Bhavan, New Delhi-110011.)
8. Purshotam Pandey
S/o Lal Mani Pandey
9. Sher Singh
S/o Shobha Ram
10. Bindraban S/o Nathu Ram
11. Gopal Singh S/o Kundan Singh
12. Charan Das S/o Babu Lal
13. Keshav Singh S/o Jeet Singh
(Applicants 8 to 13 c/o Ministry of Urban Affairs
& Employment Canteen, Nirman Bhavan, New Delhi-
110011.)
14. Govind Ram S/o Ram Prasad
15. Rajender Singh S/o Beer Singh
16. Keshar Singh I S/o Jagat Singh
17. Satya Prasad S/o Ram Prasad

Vb

18. Mohan Singh S/o Gyan Singh
(Applicants 14 to 18 c/o Director General, Health
Scheme Canteen, Ministry of Health, Nirman Bhawan,
New Delhi-110011) Applicants

(By Sh. S.L.Hans, Advocate)

-versus-

1. Union of India through
Director General
C.P.W.D., Nirman Bhawan
New Delhi-110011.
2. Union of India through
Secretary M/o Urban Affairs & Employment
Nirman Bhawan, New Delhi-110011.
3. Union of India through
Director General, Department of D.G.H.S.
Nirman Bhawan, New Delhi-110011.
4. Union of India through
Director Canteens
M/o Personnel, Public Grievances &
Pensions, Deptt.of Personnel & Training
Lok Nayak Bhavan, Khan Market
New Delhi-110003. Respondents

(By Shri S.M.Arif, Advocate)

O R D E R (ORAL)

Sh. V.K.Majotra, M(A):-

MA No. 3102/2000 for joining together in a single
OA is granted.

2. The applicants have sought implementation of
Department of Personnel and Training OM dated
14.3.1995 read with Ministry of Finance, Department of
Expenditure OM dated 13.9.1991 and OMs of even number
dated 20.5.1992 and 20.4.1993 all annexed at Annexure
A-1. These Office Memoranda relate to career
advancements of Group 'C' and Group 'D' employees
working in non-statutory canteens/tiffin rooms located
in Central Government offices and provided that these



employees are eligible for in situ promotion to the next higher scale. It is claimed that Group 'D' employees on in situ promotion shall be entitled to placement in the scale of Rs.825-15-900-EB-20-1200. The learned counsel of the applicants Shri S.L.Hans brought to our notice Office Orders issued by the Director General of Works, Central Public Works Department dated 6.2.2001 and Director General of Health Services dated 1.2.2001 whereby employees working in the non-statutory canteen/tiffin rooms under them have been accorded the pay scale of Rs.825-1200 on being allowed in situ promotions. In this manner, the learned counsel stated that the applicants 2 to 7 and applicants 14 to 18 have already been granted the requisite relief by the respondents being on rolls of non-statutory canteens/tiffin rooms under C.P.W.D. and Director General of Health Services respectively. However, the applicants at S1.Nos.8 to 13 working in such canteens in the Ministry of Urban Affairs and Employment have not yet been given the benefit of such in situ promotions. Whereas those given the benefit of in situ promotions have been placed in the higher scale of Rs.825-1200, the applicants are still made to work in the lower scale of Rs.775-1150 h.

3. On 17.7.2001, the respondent No.2 was given the last opportunity to file the counter. No such counter was filed by respondent No.2 till 20.8.2001 despite repeated efforts made by Shri S.M.Arif who

Vb

had appeared on behalf of the respondents at the instance of the court by an order dated 27.2.2001.

4. From office orders dated 6.2.2001 and 1.2.2001 issued by the CPWD and DGHS respectively, it appears that in consultation with the Department of Personnel and Training and Ministry of Finance, these respondents have modified the scale of pay to be allowed at the time of in situ promotion from ~~Rs. 775-1025~~/^{1150/-} to Rs.825-1200.

5. In the absence of any contest on behalf of respondent No.2 to the claims made by the applicants in this OA when similarly situated applicants have already been accorded in situ promotions in the scale of Rs. 825-1200 instead of ~~Rs. 775-1025~~/^{1150/-} we have no reason before us why applicants at Sl.Nos. 8 to 13 working in non-statutory canteens/Tiffin Rooms in the Ministry of Urban Affairs and Employment should not be given the same benefit of placement in the scale of Rs.825-1200 having been already given in situ promotions.

6. Having regard to the reasons recorded and discussions made above, respondent No.2 is directed to grant in situ promotions to applicants at Sl.No.8 to 13 in the scale of Rs.825-1200 instead ~~Rs. 775-1025~~/^{1150/-} with effect from the date these applicants were granted in situ promotions. The respondents are further directed to pay interest @ 6% per annum to the

h

applicants at Sl. Nos 8 to 13 from 14.12.2000 i.e. the date of filing of the OA till the date of payment within a period of two weeks from the date of communication of this order.

7. The OA is disposed of in the aforesated terms with no order as to costs.

V. Majotra

(V. K. Majotra)
Member (A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

/Sns/