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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. No.1023/88

New Delhi this the 15th day of March, 1994.

Shri Justice V.S. Malimath, Chairman.

Shri S.R. Adige, Member (A).

Ved Parkash Sharma,
S/o Shri Om Parkash,
R/o 334 Bhera Enclave,
New Delhi-41.

...

Petitioner.

By Advocate Shri C.P. Pandey, Counsel.

Vs.

1. Union of India,
through Secretary,
Ministry of Defence,
South Block,
New Delhi-11
2. E-in-C Army HQ,
Kashmir House,
South Block, DHQ PO
New Delhi-11.
3. CWE (P) Bikaner
4. Shri Dhanna Ram,
Lineman/HS II
through GE Bikaner
5. Shri Sattar Beg,
Lineman/HS II
through GE Bikaner
6. Shri Tirlok Chand,
Lineman/HS II
through GE(P) Army
Suratgarh
7. Shri Dharam Pal,
Elect/HS II
through GE Army
Suratgarh
8. Shri Madan Mohan,
Elect/HS II
through GE Army
Suratgarh
9. Shri Dilbagh Singh,
Elect/HS II/I
through GE Army
Suratgarh

10. Shri Gian Singh,
Lineman/HS II
through GE AF
Suratgarh
11. Shri Moolu Ram,
Lineman/HS II
through GE Bikaner ... Respondents.

None for the respondents.

ORDER (ORAL)

Shri Justice V.S. Malimath.

In this case, the petitioner, Shri Ved Prakash Sharma, has a grievance to make that he has not been accorded the post of HS-II in the grade of Rs.330-480 though he became eligible for the said grade, he having fulfilled the required condition of being in the scale of Rs.260-400 for a period of 3 years. The petitioner was holding the post of SBA in the scale of Rs.210-290 on 28.7.78. On passing the trade test, he was promoted as Electrician in the scale of Rs.260-400 possibly w.e.f. 4.5.1982. There was re-organisation in the department resulting in up-gradation of particular percentage of posts to a higher grade. The benefit of the same appears to have been given to the petitioner and he was accorded the scale of Rs.260-400 w.e.f. 16.10.1981 though by virtue of promotion he was given the said scale much later ie on 4.5.82. The petitioner's case is that on completion of 3 years service on 15.10.84, he became eligible for being considered for the post of HS-II in the grade of

Rs.330-480. When the petitioner complained about his not having been accorded the benefit of that scale, he was given a reply, a copy of which has been produced by him as Annexure A-22 dt. 9.1.1987. Paragraph 2 of the said communication contains reasons for rejecting his representation and reads as follows:-

"The individuals those having seniority in the grade of Lineman/Elect upto 27.4.81 were considered by the Board of Officers for up-gradation as Elect HS-II to fill-up the 20% vacancies merely on seniority basis. Moreover MES-367697 Sh. Ved Parkash Sharma, Elect was appointed as Elect w.e.f. 4.5.82 and as such he has not completed 3 years service in the grade on the effective date up-gradation i.e. 15.10.84."

2. The learned counsel for the petitioner pointed out that a wrong assumption has been made that the petitioner must be deemed to have been appointed as Electrician w.e.f. 4.5.1982. He submitted that when the petitioner was accorded the pay-scale of Rs.260-400 w.e.f. 16.10.81 vide order dated 28.8.1982 (Ann. A-23), he should be regarded as being in the feeder cadre of Rs.260-400 w.e.f. 16.10.1981. If that is the correct state of affairs, it is urged that he was duly qualified for the higher grade of HS-II on 15.10.1984 as he had completed 3 years ^{of service} on that date. But this argument fails to take note of the primary reason given in paragraph 2 of the order which says that only those who had seniority in the grade of Lineman/Elect upto 27.4.81 were considered as Elect HS-II to fill-up the 20% vacancies merely on seniority basis. In other words, wha

is sought to be conveyed is that in the available 20% vacancies only those, who had seniority in the feeder cadre upto 27.4.81, had the right to have the benefit of up-gradation as Elect HS-II. On the petitioner's own showing, it is clear that his case at best is that he came into the feeder cadre on 16.10.81. If only those who had come into the feeder cadre upto 27.4.81 could be given the benefit of HS-II in the 20% vacancies available on 15.10.84, we fail to see how the petitioner, who came into the feeder cadre according to his own showing on 16.10.81, can make any complaint of discrimination. On this short ground, it has to be held that the petitioner has not been able to make out any case. This petition fails and is, therefore, dismissed. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN

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