

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

Date of decision: 2.8.91

DA No.1176/88

Shri Hari Prakash & ers. Applicants

Vs.

Union of India & ers. Respondents

For the Applicants Shri B.S.Maine, Counsel

For the Respondents Mrs. Raj Kumari Chopra, Counsel.

CORAM:

THE HON'BLE MR. JUSTICE U.C. SRIVASTAVA, VICE CHAIRMAN(J)

THE HON'BLE MR. I.P. GUPTA, MEMBER(A)

JUDGEMENT

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE MR. U.C.
SRIVASTAVA, VICE CHAIRMAN)

The applicants, after making representations for trade testing and promotion to higher grades of charge electricians and highly skilled grade I, having failed to get any relief, approached this Tribunal. Their juniors, Lineman and wireman have been promoted to higher grades ignoring their claims. The applicants were working as Armature Winder and Instrument Repairer which posts are classified as skilled posts and the channel of promotion is skilled grade (Rs.260-400), highly skilled grade.II(Rs.330-480) and highly skilled grade I (Rs.380-560). The pay scales allotted to various skilled posts were revised on the basis of the recommendations of the Expert Committee (Classification Committee). The pay scale of Armature Winder/ Instrument repairer was revised to Rs.260-400, Cable Jointer Rs. 330- 480, Lineman/Wireman/SBA to 260-400 and that of Wireman/SBA to Rs. 330-480. The posts which carried the pay scale of Rs.210-290 were allotted two pay scales of Rs.260-400 and Rs.330-4480 to the extent of 10% of posts of wireman to be upgraded. The applicants are in the Military Engineering Service. The applicants allege that the categories of Lineman and Wireman have been treated as feeder categories for promotion to the post of Instrument Repairers and Armature Winders

as per recruitment rules and they have been brought equal to their erstwhile juniors by being placed in the same pay scales. These feeder categories of Lineman and Wireman have been brought equal to their juniors unjustly and unfairly. The anomalies Committee which was appointed did not touch the categories of Armature Winders and Instrument Repairers yet another category known as Cable Jointer in the Military Engineering Service was upgraded to the scale of Rs.330-480. These categories of posts which the applicants are holding have been entirely left out for upgradation in restructuring the cadre and the applicants were promoted to the present posts only after passing the requisite trade test and the persons junior to the applicants have been promoted in preference to them.

2. The respondents have contested the claim of the applicants. They have contended that the post of Armature Winder has been redesignated as Electrician and that the category of Armature Winder has been included in three grade structure for promotion to HS II and HS I. As regards instrument repairer, this category was not considered fit to be included in the three grade structure by the Expert Classification Committee and that the category of Wireman and Lineman have been brought to the skilled grade with effect from 16th October, 1981 and these categories have been included in the three grade structure. They have relied upon the judgment of the Ernakulam Bench of the Tribunal dated 1.2.1989 in K.243/87 (P.K. ASOKAN & ANR. Vs. U.O.I. & ORS).

The said application was closed in view of the statement which was made on behalf of the respondents. Before the Ernakulam Bench it was stated that with the change in the designation of Armature Winder to Electrician as per O.M. dated 24.6.87, the applicants as Electricians

are entitled for promotion to the next higher grade. It is further stated by the respondents that prior to introduction of five scales of pay to the industrial persons of MES, the categories of Lineman and Wireman were placed on the semi-skilled grade. However, on introduction of five scales of pay, the categories of Lineman and Wireman were upgraded to the scale of Rs.260-400. This upgradation was done based on the point score given by the Expert Classification Committee headed by a judicial body. The Anomaly Committee permitted the claim of Electricians and not of other categories. So far as the Armature Winders are concerned, they have no claim in view of the fact that they have been categorised as Electricians and they are entitled to promotion to the next higher grade. So far as the category of Instrument Repairers is concerned, the Committee after taking into consideration various facts recommended that they cannot be included in the restructuring category. It was the exclusive jurisdiction of the Committee which was the Expert Committee which after taking into consideration all the circumstances reached this particular conclusion and this Tribunal cannot sit in judgement over the decision of the Expert Committee given long back in the year 1981. So far as the upgradation is concerned, obviously it was respondents' jurisdiction and after taking into consideration the various other factors, the pay scales have been made equal. As such, we do not find any justification in the claim of Instrument Repairers also. However, taking into consideration the fact that they were equated to Armature Winder and further that Lineman/Wireman who were earlier in feeder scale were brought to the same scale, the Tribunal directs that the case of the Instrument Repairers may be considered. The application is otherwise dismissed.

6/11

The application is disposed of with the above directions.

There will be no order as to costs.

I. P. Gupta
(I.P.GUPTA)
MEMBER (A)

U. C. Srivastava
(U.C.SRIVASTAVA)
VICE CHAIRMAN (J)

SAS