

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/21/1489/2014

HYDERABAD, this the 26th day of November, 2020



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

1. A.G. Ganesh, S/o. Hari Kishan,
Aged about 59 years,
Occ: Boot Maker,
A Company, MCEME,
Post Thirumalagherry, Secunderabad.
2. Vittal Sankar, S/o. Shankar Gejage,
Aged about 56 years,
Occ: Boot Maker,
Head Quarters Company, MCEME,
Post Thirumalagherry, Secunderabad.

...Applicants

(By Advocate : Smt S. Anuradha)

Vs.

1. The Union of India rep. by its
Secretary, M/o. Defence,
Sena Bhavan, New Delhi.
2. The Commandant,
Head Quarters HQ-I,
EME Centre, Secunderabad.
3. The Area Accounts Officer,
(CDA Controller of Defence Accounts),
Secunderabad.
4. The Director General,
Electrical & Mechanical Engineer (EME-Civil),
Army Head Quarters, New Delhi.

....Respondents

(By Advocate : Smt K. Rajitha, Sr. CGSC)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Administrative Member)

Through Video Conferencing:



2. The OA is filed in not granting eligible pay scales/ MACP benefits to the applicants despite being eligible as per rules.

3. Brief facts of the case are that the applicants were appointed as Boot-makers in the respondents organisation on 30.8.1981 and 26.5.1982 respectively in the scale of pay of Rs.210-290. Non industrial workers were granted five scales vide letter dated 22.8.1983. In accordance with the directions of the Hon'ble Supreme Court in WP (C) No.492 of 1991 applicants are to be placed in the higher grade. Despite the letter of G.O.I.. dated 16.10.1984 which was referred to in the judgment cited, respondents have not taken action to create the 3 grade structure for the applicants' cadre. There are 67 trades as per letter dated 16.10.1984 amongst which only the trades of Boot maker and Tailor trades have not been placed in the 3 grade structure. As per para 4 (2) of letter dated 16.11.1984 of the respondent the minimum service to be rendered in the skilled grade for promotion to the highly skilled grade II and HSK –I, where only skilled level is available, will be 3 years and 6 years respectively. However, when the respondents did not grant the pay scales due, OA 1105/1993 was filed which was allowed. Based on guidelines prevailing as on 16.10.1981, applicants claim they are entitled to be promoted to HSK Grade –II with scale of pay of Rs.330-480 and to HSG Grade–I with scale of pay of

Rs.380-560 after rendering 3 and 9 years of service respectively in the skilled grade. Further, applicants' claim that they are to be promoted as Master Craftsman as per respondents' letter dated 9.12.1993. After the implementation of the 6th CPC, applicants are to be granted financial up-gradation as per rules of the scheme, which was not extended by the respondents and hence, the OA for grant of pay scales due at the appropriate time and grade pay with reference to the 6th CPC recommendations.



4. The contentions of the applicants are that the respondents not granting the eligible pay scales from time to time despite rules and law favouring them, is irregular, illegal and violative of Articles 14, 16 & 21 of the Constitution. Not granting the grade pay is against the Principles of Natural Justice.

5. Respondents have not filed the reply statement, though the OA has been filed in 2014. The OA came up for hearing on 8 occasions after notice to the respondents. Despite giving ample opportunities, respondents did not file the reply for nearly 6 years. Moreover, it is seen that the case is covered by the judgments of this Tribunal in OA Nos. 716/2014 & 717/2014, which were disposed on 22.01.2020. Therefore, in the interest of justice, the case was taken for hearing and also to avoid further delay in dispensing justice to employees, who are from the lower cadres of the respondents organisation.

6. Heard both the counsel and perused the pleadings on record.

7. I. The issue is about grant of the eligible pay scales from time to time and the grant of grade pay as per eligibility under MACP scheme to the applicants. The applicants assert that they are eligible for the benefits sought based on the letter dated 17.2.2014 of the respondents. Applicants claim that the judgment of the Hon'ble Supreme Court in Sri Prabhu Lal & another v Union of India in WP (C) No. 492 of 1991 is in their favour in respect of the eligible pay scales to be granted to them. The issue under dispute fell for consideration before this Tribunal in OA Nos.716 of 2014 & 717 of 2014 wherein it was held as under:



“4. However, after considering the rival contentions, we are of the view that the ends of justice would be met that this matter may be sent to High Power Committee to examine and consider the one time relaxation of the applicant because there is not much difference in the educational qualification of 8th class or 10th class. This exercise shall be completed within a period of five months from the date of receipt of a copy of this order and the same shall be communicated to the applicant. If it is found favourable and that is the end of the matter.

5. With the above observation, OA is disposed of accordingly. “

During the hearing, it was not stated that the judgment has been set aside by the higher judicial fora.

III. Therefore, the issue having been fully covered by the Order of this Tribunal cited supra, respondents are directed to consider the case of the applicants for the relief sought by them, keeping in view the directions of the Tribunal in OA Nos.716 of 2014 & 717 of 2014, as extracted supra, with consequential benefits to which the applicants are eligible. Consequential arrears, if any, payable to the applicants shall be restricted to

a period of 3 years prior to the date of filing of the OA as per the Hon'ble Supreme Court Judgment in Union of India v. Tarsem Singh in Civil Appeal Nos. 5151-5152 of 2008. Time period to implement the order is 3 months from the date of receipt of the judgment.



IV. With the above directions, the OA is disposed of, with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

al/evr