

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

D.A.No.1489/87.

Date of decision:10.2.93.

Bhim Singh and Others

...Applicants

Vs.

Union of India and Another

...Respondents

CORAM:

THE HON'BLE MR. JUSTICE V.S.MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R.ADIGE, MEMBER(A).

For the applicants

...Shri B.R.Saini, Counsel

For the respondents

...Shri P.P.Khurana, Counsel

JUDGMENT (ORAL)

(By Hon'ble Mr. Justice V.S.Malimath, Chairman) :

The petitioners, Shri Bhim Singh and others, started their career as Fitters in 505, Army Base Workshop, Delhi Cantonment in the Civilian Defence Services. They were in due course promoted to the scale of Rs.110-155. On the basis of the Fourth Pay Commission's recommendations, pay scales of the petitioners were revised as Rs.250-360. It is further stated that an Expert Classification Committee having been constituted and a report by the said Committee having recommended for classification of the Fitters into Fitter Grade I, II and III w.e.f.15-10-1981, steps were taken to give effect to those recommendations. A

trade test was held which the petitioners passed on 30th of December, 1987. It is their further case that they were promoted on the basis of the trade test by order dated 30th January, 1987 (Annexure A-4) as Highly Skilled Grade II ^{/retrospectively} with effect from 1-7-1986. The petitioners have also pointed out that by order dated 11-3-1987 (Annexure A-2), the annual increments sanctioned by order dated 11-3-87 with effect from 1-10-1986 were cancelled. It is in this background that the petitioners have approached this Tribunal in which they have sought the following reliefs :-

- (i) for a direction to fix their pay in the scale of Rs.380-560 w.e.f. 1-1-1973 and consequent revision with arrears of pay and allowances from that date;
- (ii) in the alternative, to fix and revise their pay from the scale of Rs.380-560 to the revised scale w.e.f. the year 1981 on the report of the Expert Committee appointed by the Central Government and consequential benefits;
- (iii) to direct a revision of their pay scales on the report of the Fourth Pay Commission as if they were fixed in the scale of Rs.380-560 at the initial stage as first class fitters w.e.f.1-1-1973;
- (iv) to direct the respondents to provide further avenues of promotion to stop stagnation of the petitioners.

2. It is necessary to note that the petitioners have
✓ accepted the promotion given to them by order dated 30th of

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January, 1987 to the cadre of Highly Skilled Fitters Grade II w.e.f. 1-7-1986. They have been promoted to the ^{/said} cadre in the scale of Rs.1200-1800. The learned counsel for the petitioners tried to persuade us to understand the records produced by him as having the effect of cancelling the said promotion. Our attention was drawn to Annexure A-2 dated the 11th of March, 1987 by which the annual increments granted by order dated 29.12.86 w.e.f.1.10.86 has been cancelled. It is obvious that this has no relevance to the promotion which has been accorded by order dated Annexure A.4 dated 30th January, 1987. Firstly, it is necessary to point out that the order Annexure A-2 as such has not been challenged nor the order of promotion Annexure A-4 has been challenged. What appears to have been done by Annexure A-1 is the fixation of annual increments was granted to the petitioners by order dated 29.12.86 w.e.f.1.10.1986. That obviously has reference to the increments which the petitioners earned in the old scale before they were promoted by Annexure A-4 dated 30th Jan., 1987. As the petitioners were given promotions retrospectively w.e.f.1-7-1986, the increments granted in the old scale before that promotion w.e.f.1-10-86 could not be maintained. Hence, the same was rightly cancelled. The petitioners would start drawing the higher scale of pay w.e.f.1.7.86. Hence, the next increment

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they would be entitled to is after the expiry of one year from that date and not on the expiry of the period of three months. It is, therefore, clear that there is no justification ^{/for} ~~the~~ imaginary apprehension of the petitioners in this behalf.

3. So far as the ^{/other} ~~reliefs~~ prayed are concerned, we do not find any merit in this case. So far as the prayer for fixation of the pay scale w.e.f. 1-1-73 or from an earlier date in the scale of Rs.380-560 is concerned, apart from the fact that the claim is highly belated, the Tribunal has no jurisdiction to entertain any grievance in respect of ^{/which} ~~action~~ caused ^{/accrued} ~~three~~ years prior to the establishment of this Tribunal. Hence, we have no jurisdiction to examine the first prayer. The second prayer is for the fixation and revision of the pay scale of Rs.380-560 w.e.f. the year 1981. The claim in this behalf is also hopelessly belated and we have no jurisdiction to entertain the same. The third prayer is only consequential for further revision on the basis of the Fourth Pay Commission's report. This relief is consequential upon the petitioners' prayer for fixation of the pay scale of Rs.380-560 either from 1.1.1973 or from the year 1981. As the pay scale in regard to second prayer is not possible to be granted for the reasons stated earlier, this relief also cannot be granted. So far as the last relief is concerned, ~~it~~ it is for a direction to provide promotional avenues on the

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ground that the petitioners are suffering for want of promotional avenues. It is not possible to accept this contention after the recommendations of the Classification Committee were accepted and given effect to. The petitioners can look forward to higher grades of promotion provided to them. It is, therefore, not possible to accept the contention that there are no further avenues of promotion for the petitioners.

4. For the reasons stated above, this petition fails and is dismissed. No costs.

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

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

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