

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Reg.Nos. (1) OA 1698/87
(2) OA 1717/87

Date of decision: 10.01.1992.

(1) OA 1698/87

Shri Ram Singh

...Applicant

Vs.

Union of India

...Respondents

✓ (2) OA 1717/87

Shri Vishwa Nath Parshad Ram

...Applicant

Vs.

Union of India

...Respondents

For the Applicants in (1)
and (2) above

...Shri R.L. Sethi,
Counsel

For the Respondents in (1)
and (2) above

...Mrs. Raj Kumari
Chopra, Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHONDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The issue raised in these applications lie within a narrow compass. The applicant in OA 1698/87 is working as Wireman and the applicant in OA 1717/87 is working as Switch Board Attendant. They worked under C.W.E.(P) Delhi Cantonment till April, 1984 when the said formation was transferred to C.W.E.(AF) Palam. The respondents had upgraded

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10% of the posts in the pay scale of Rs.260-338 to Rs.330-480 and given the benefit of the upgradation to some of the employees but not to the applicants who claim to be quite senior and eligible for the higher scale. They have also claimed for arrears of pay, seniority and other consequential benefits.

2. We have gone through the records of the case and have considered the rival contentions. Fitment of industrial workers in the upgraded scale was approved by the Ministry of Defence on 11.5.1983 though it was to take effect from 16.10.1981. Thereafter, an Anomalies Committee was constituted which recommended the upgradation in a three-grade structure with effect from 15.10.1984.

A DPC was held in May-June, 1986 which considered the names of the applicants but as they were comparatively junior at the formation at Palam where they were then working, their names were not recommended for promotion to the upgraded scale.

3. Admittedly the formation in which the applicants were working (GE, AF, Tuglakabad) was en bloc transferred from administrative control of CWE(P) Delhi Cantonment to CWE(AF) Palam area in April, 1984. As regards the implementation of the three grade structure, the respondents

had clarified in their letter dated 3.5.1986 that "persons

transferred, retired, expired and moved en bloc to other formations will be accounted for promotion to HS Grade II (if otherwise eligible based on seniority) by that formation on whose strength he was borne on 15.10.1984*. At the time of the meeting of the D.P.C. in 1986, the applicants were working in the formation at Palam area where they were comparatively junior and, on that ground, they were not recommended for promotion to the upgraded scale. In view of the aforesaid clarification issued by the respondents, which the applicants have annexed to their rejoinder-affidavit, we see no merit in the contention that the DPC should have considered their eligibility for promotion, by reckoning their seniority in the erstwhile formation at Delhi cantonment and their seniority in that formation.

4. In the light of the above, there is no merit in these applications and they are dismissed. There will be no order as to costs.

Let a copy of this order be placed in both the case files.

(B.N. DHOUDIYAL)
MEMBER (A)

(P.K. KARTHA)
VICE CHAIRMAN (J)