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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

D.A.No.1859/90

New Delhi, this the 20th January, 1995.

Hon'ble Shri N.V.Krishnan, Vice Chairman(A)  
Hon'ble Dr.A.Vedavalli, Member (J).

Inder Singh Egar,  
T.No.2427/466/HM, Ordnance Factory,  
Muradnagar Distt.Ghaziabad (U.P) ..Applicant  
(By Advocate Shri V.P.Sharma)

Vs.

1. Union of India through  
the Secretary,  
Ministry of Defence, Govt.of India,  
New Delhi.
2. The Director General,  
Ordnance Factories,  
10, Auckland Road,  
Calcutta.
3. The General Manager,  
Ordnance Factory,  
Muradnagar (Ghaziabad) ...Respondents

(By Advocate Shri. VSR Krishna)

ORDER (ORAL)

Hon'ble Shri N.V.Krishnan, Vice Chairman(A)

The issue raised in this case is very simple. The question is whether the applicant is senior to the respondents 4 to 9 as claimed by him or he is junior to them as determined by the department.

2. The applicant admittedly was a Rigger Grade 'B' in the pay scale of Rs.210-290 with effect from 10-12-1979. This grade was revised with effect from 16-10-1981 to Rs.260-400.

3. In the department there are also posts of Silinger. The pay scale of silinger grade 'B' is Rs.196-232 with special pay of Rs.10/-. There is also silinger grade 'A' in the pay scale of Rs.210-290. The pay scale of silinger grade 'A' was also revised to Rs.260-400 from 16-10-1981.

4. The posts of Rigger 'B' and Silinger 'A'

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which were in the same grade were both upgraded and were merged. Therefore, a combined seniority list of Rigger 'B' and Silinger 'A' had to be prepared. In that seniority list the applicant has been placed at Sl.No.8 whereas, according to him, Silingers who were junior to him have been placed at Sl.No.2 to 5 and 7. In other words, they are being given higher seniority even though they do not deserve it.

5. It is stated that the representation was made in this behalf which has not been disposed of. Hence this O.A. has been filed for a direction to the respondents to construct the seniority list of Riggers and show the applicant as senior to respondents 4 to 9 and grant him all consequential benefits.

6. One of the important grounds mentioned in the O.A. for this prayer is that the respondents 4 to 8 were working as Silingers grade 'B' in the pay scale Rs.196-232+ Rs.10/- as special pay. Inasmuch as the applicant was, at that time, working on the higher pay scale of Rs.210-290 he should, therefore, have been placed senior to respondents 4 to 8.

7. The department has filed a reply in which the relative positions of the respondents 4 to 8 and the applicant as well as certain others has been brought out. It is clearly stated that the respondents 4 to 9 were in the pay scale of Rs.210-290 on 20-12-79 i.e. the date on which the applicant entered service. The statement which is given with this reply shows that whereas the applicant was in the pay scale of Rs.210-290 on 20-12-79, the respondents 4 to 9 were holding the scale from much earlier dates. The earliest of them,

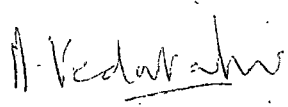
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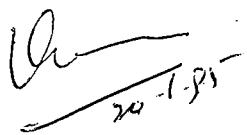
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respondent No.9, on that pay scale with effect from 13-5-74, and the respondent No.8 was holding the post from 5-12-79.

8. When on 16-10-1981 all persons i.e. both Riggers 'B' and Silingers 'A' were taken on the pay scale of Rs.260-400, a seniority list had to be drawn and some criterion had to be used for determining seniority and the date with effect from which they entered the earlier pay scale of Rs.210-290 was taken into account. On this basis the applicant was found to be junior to respondents 4 to 9.

9. When the matter came today for hearing we drew the attention of the learned counsel for the applicant to this statement and asked him to indicate how the seniority determined on this basis can be faulted. He was not able to satisfy us on this score. In our view and in the circumstances the seniority determined in the above case cannot be found faulty. Accordingly, we do not find any force in the O.A. which is dismissed. No costs.

  
(Dr.A.VEDAVALLI)  
Member(J)

  
(N.V.KRISHNAN)  
Vice Chairman(A)

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