

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

**O.A. NO.1015/2004**

New Delhi, this the 26<sup>th</sup> day of **APRIL**, 2005

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)  
HON'BLE MR. S.K. MALHOTRA, MEMBER (A)

1. Shri Krishan Pal Singh T. No.2922 aged 43 years  
S/o Shri Dharam Pal Singh working as Boiler Attendant  
In 510 Army Base Workshop Meerut  
R/o Village & Post Jhinjokar, Meerut
2. Shri Gulam Sabir T. No.3026 aged 43 years  
S/o Shri Manzoor Ahmad, Working as Boiler Attendant  
In 510 Army Base Workshop Meerut,  
R/o Iqbal Nagar, Zakir Colony, Meerut

... Applicants

(By Advocate : Shri V.P.S. Tyagi)

Versus

1. Union of India (Through Secretary)  
Ministry of Defence, South Block, New Delhi
2. The Secretary, Ministry of Public Grievances & Pension,  
(Department of Personnel & Training),  
New Delhi
3. The Secretary, Ministry of Finance,  
Deptt. of Expenditure, New Delhi
4. The Director General EME,  
Army Head Quarters, DHQ, P.O. New Delhi
5. The Commandant,  
510, Army Base Workshop,  
Meerut Cantt.  
Respondents

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(By Advocate : Shri K.R. Sachdeva)



ORDER

BY HON'BLE MR. S.K. MALHOTRA, MEMBER (A) :

This OA has been filed by the applicants with a request to quash and set aside the impugned order dated the 22<sup>nd</sup> September, 2003 whereby their pay has been fixed in the scale of Rs.3200-4900/-. It is prayed that the respondents may be directed to correctly fix their pay in the scale of Rs.5000-8000 under the ACP Scheme, which is the next promotional pay scale.

2. The facts of the case briefly stated are that the applicants were initially appointed in the skilled trade of Boiler Attendant in the year 1987 in the pre-revised pay scale of Rs.950-1500/-. After the implementation of the 5<sup>th</sup> Central Pay Commission (CPC) recommendations, they were granted the pay scale of Rs.3050-4590 w.e.f. 1.1.1996. It has been contended that the next grade of pay in their line promotion is Rs.5000-8000, for the post of Chargeman-II (Supervisor). However, the respondents instead of giving them the first financial upgradation in the scale of Rs.5000-8000, have arbitrarily introduced a pay scale of Rs.3200-4900/- and the first financial upgradation has been given to the applicants in this scale. The applicants have passed the required trade tests and they are fully qualified to hold the post of Chargeman-II (Supervisor), which post is in their hierarchy of promotion. It has also been stated that the other trades which had earlier three grade structure of Semi-Skilled, HS-II and HS-I have been merged into two grades based on the 5<sup>th</sup> CPC recommendations. HS-II and HS-I have been merged. Now there are only two revised grades, i.e., Rs.3050-4950 for Skilled Grade and Rs.4000-6000, which is the integrated scale of HS-II and HS-I. The grade of Boiler Attendants is Skilled Grade without the three grade structure and their next line of promotion is to the grade of Chargeman-II in the pay scale of RS.5000-8000/- which scale has been denied to them under the ACP Scheme. They have made representations to the respondents but to no avail. Ultimately they filed OA No.1613/2003

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and the Tribunal vide order dated 2.7.2003 (Annexure A/5) directed the respondents to pass a speaking order on their representations. The speaking order has now been passed on 22.9.2003 (Annexure A/1), which has been assailed in the present OA.

3. The respondents have filed a counter reply in which they have stated that the trade structure of industrial workers of Corps of EME are laid down in SRO 1/88. As per the Statutory Rules & Orders (SRO), there are trades, which are governed by three grade structures, i.e., Skilled Grade, HS-II and HS-I, whereas there are other trades in SRO 1/88, which do not have three grade structure. While in three grade structured trade, the first ACP is in the scale of Rs.4000-6000 (HS-II), the second ACP is in the scale of Rs.5000-8000 (after merger of HS-II and HS-I) w.e.f. 1.1.1996. In respect of non-three grade structure trade, the first ACP and the second ACP are in the scale of Rs.3200-4900 and Rs.4000-6000 respectively in terms of the pay scales as given in Annexure to DOP&T OM dated 9.8.1999 (Annexure R-I). As the applicants fall in the non-three grade structured trade, they are not eligible for first and second ACPs in the scale of Rs.4000-6000 and Rs.5000-8000 respectively. Besides, on introduction of SRO 149 dated 1<sup>st</sup> July 2002, the revised Recruitment Rules have been introduced for the post of Chageman-II in the pay scale of Rs.5000-8000/- for which tradesman in the scale of Rs.4000-6000 with 8 years' of service in the grade is eligible for promotion. The applicants are not eligible to be considered for promotion to this post. It has further been stated that the Boiler Attendant is not having any defined hierarchical grade. According to DOP&T's instructions in such cases financial upgradation under ACP Scheme has to be in the immediate next higher pay scale as indicated in the annexure to the DOP&T's OM dated 9.8.1999. The applicants who are in the pay scale of Rs.3050-4590 (S-5) have, therefore, been rightly given the first financial upgradation under ACP Scheme in the grade of Rs.3200-4900 (S-6). Their second financial upgradation under the Scheme will be in the pay scale of Rs.4000-6000 (S-7).

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4. We have heard both the learned counsel and have also gone through the pleadings on record.

5. The main ground advanced by the learned counsel for the applicants was that the next promotion of the applicants is to the post of Chargeman-II in the grade of Rs.5000-8000/-. However, he has not been able to place before us any rule, regulation or document in support of his claim. On the other hand, the stand taken by the respondents is that the post of Boiler Attendant held by the applicants is an isolated post, which has no hierarchical structure of promotion. Besides the above, for promotion to the post of Chargeman-II, the tradesmen in the scale of Rs.4000-6000 with 8 years of service in the grade are eligible for consideration. The applicants are neither tradesmen in the pay scale of Rs.4000-6000/- nor they have the requisite experience of the post and as such they cannot claim financial upgradation to this post under the post of ACP Scheme.


6. After hearing the rival contentions of both the parties, we are convinced that the post of Boiler Attendant held by the applicants does not have any hierarchical grades of promotion. It could be termed as non-three structured trade and comes under the category of isolated post. In para 7 of the conditions for grant of financial benefits under the ACP Scheme, it has been very specifically provided that in case of such isolated posts, the financial upgradation under the Scheme of ACP shall be given in the immediately next higher pay scale as indicated in the Annexure to DOP&T's OM dated 9.8.1999. The applicants are in the pay scale of Rs.3050-4590, which is S-5 scale of pay, and they are entitled to the next immediate scale of Rs.3200-4900/-, which is S-6 scale. This scale has been granted to them. Apart from the above, they are not entitled for promotion to the post of Chargeman-II in the scale of Rs.5000-8000/- for which 8 years' experience in the grade of tradesman in the scale of Rs.4000-6000 is required. This requirement is not met by the applicants. Their passing of trade test is not adequate enough to grant them promotion to this grade. In our view, therefore, the applicants have rightly been given first financial upgradation

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in the scale of Rs.3200-4590/- under the ACP Scheme. We do not find any justifiable ground to interfere in the matter.

7. In view of the above, the OA turns out to be totally devoid of any merit and the same is accordingly dismissed. No costs.

  
**(S.K. Malhotra)**  
**Member (A)**

  
**(Mrs. Meera Chhibber)**  
**Member (J)**

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