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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH, NEW DELHI.

O.A. Nos. 2843 and 2844 of 1992

Date of decision: 08-11-93

Shri P.T. THIRUVENGADAM, MEMBER (A)

(1) OA 2843/1992

Shri N.K. Bhandari
R/o C-IV-44, Nirmal Puri,
Lajpat Nagar,
New Delhi-24.

(2) OA 2844/1992

Shri J.K. Gohri,
R/o 53-D, LIG Flats
(Retired Personnels)
Mayapuri,
New Delhi-110064.

...Applicants

By Advocate Shri L.C. Rajput

VERSUS

1. The Secretary to the Govt. of India
in the Ministry of Defence,
Min. of Defence,
South Block,
New Delhi-110011.
2. The Scientific Adviser to the Min. of Defence
and Director General Research & Development,
Min. of Defence (R&D Organisation),
South Block,
New Delhi-110011.
3. The Director,
Solidstate Physics Laboratory,
Ministry of Defence (DRDO),
Lucknow Road,
Delhi-110054.

...Respondents

By Advocate Shri P.P. Khurana

O R D E R

Shri P.T. Thiruvengadam, Member

The applicants were functioning as Tradesman 'A' in Solidstate Physics Laboratory, Delhi and on 07.08.1985 were promoted to the post of Mastercraftsman in the higher grade of Rs.425-640. The promotion order dated 22.08.1985/28.08.1985 reads as under:-

"On the recommendations of the Review Departmental Selection Committee, the undermentioned Tradesman 'A' have been promoted as Master Craftsman in the pay scale of Rs.425-640 with effect from 07.08.1985 (F/N)".

The applicants were covered by the above promotion order. Subsequently on 15.12.1989, the applicants were further promoted as officiating Chargeman Grade-II on ad hoc basis through Departmental Promotion Committee Proceedings. The scale of Chargeman Grade-II was Rs.425-700 (revised as Rs.1400-2300 from 1.1.1986). Their pay was fixed by the competent authority accordingly taking into account the pay drawn by the applicants as Master Craftsman. On 29.07.91, ~~show cause notices were issued to the applicants as to why~~ their pay as Chargeman Grade-II should not be fixed with reference to their presumptive pay as Trademan 'A'. In this show cause notice it was explained that the post of Master Craftsman is just an intermediary post between Trademan 'A' and Chargeman-Gr.II and was created on the recommendations of the Third Pay Commission for providing an incentive to the highly skilled artisans to remain in their line and not to become supervisors where their special skills could be productively utilised in operational jobs. It was also stated that the grade of Master Craftsman is not a normal promotion level and that/ the recruitment rules, for the post of Chargeman Grade-II, the feeder post is Trademan 'A'.

2. The applicants replied to the notices pleading that for the purpose of fixation in the post of Chargeman Grade-II, it would be gross violation of rules to fix their pay with reference to their presumptive pay as Trademan 'A'. Ultimately, R&D Headquarters vide their letter dated 24.08.92 communicated their final decision that the pay of the applicants on promotion as Chargeman Grade-II should be fixed only with reference to their presumptive pay as Trademan 'A' and recoveries for overpayment made. The interim relief against such recoveries was ordered by this Bench on 15.02.1993.

3. These O.As. have been filed for quashing the impugned orders by which fixation of pay as Chargeman Grade-II is to be made with reference to the presumptive pay as Trademan 'A'.

4. The main argument of the respondents is that as per Recruitment Rules, promotions are required to be made only from the Grade of Trademan 'A' to the grade of Chargeman Grade-II and from the grade of Master Craftsman. Therefore, the pay in the grade of Chargeman Grade-II has to be rightly fixed on the basis of presumptive pay in the grade of Trademan 'A'. Accordingly, where the pay has been fixed wrongly, action was initiated to correct the mistake.

5. The issues raised and the reliefs claimed have been squarely covered in O.A. 750/1991 disposed of by Bangalore Bench of this Tribunal on 06.03.1992. In this order it has been pointed out that the departmental authorities had treated the cases of the applicants concerned as promotion from Trademan 'A' to Master Craftsman and from Master Craftsman to Chargeman Grade-II. Since the departmental authorities had treated the cases as that of promotion, penalising the pay fixation recovery disallowed. applicants in/was found to be unfair and/The impugned order was quashed accordingly.

6. I fully agree with the above order passed by the Bangalore Bench of this Tribunal and accordingly these O.As are disposed of with the following directions:-

(i) The pay of the applicants as Chargeman Grade-II should be based on the pay they were drawing as Master Craftsman and not on the presumptive pay as Tradesman 'A'. In view of this direction, the question of recoveries, as proposed under the impugned orders, will not arise.

(ii) No costs.

7. Let a ^{CERTIFIED TRUE COPY} copy of this order be placed in both the case files. Date *24/11/1992*

(P.T. THIRUVENGADAM)
MEMBER(A)