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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

O.A. No. 2327/93

New Delhi this the 4th November, 1993

Hon'ble Mr. J.P. Sharma, Member (J)  
Hon'ble Mr. B.K. Singh, Member (A)

Shri B.D. Sharma,  
S/o Shri N.D. Sharma,  
Quarter No. 353, Type II, N.H.4,  
Faridabad  
(Shri Surrinder Singh, Counsel)  
Vs.

.... Petitioner

1. Union of India, through  
The Defence Secretary,  
Ministry of Defence, South Block,  
New Delhi-1.

2. The Chief of Air Staff,  
Air Headquarters,  
Vaya Bhavan,  
New Delhi-110 011.

3. The Officer Commanding,  
No. 56 ASP, Air Force Station,  
Faridabad

4. Shri Wilson John,  
FMT (A), MTR & S  
No. 56 ASP, Air Force Station,  
Faridabad.

.... Respondents

(None for the Respondents)

ORDER

(Delivered by Hon'ble Mr. J.P. Sharma, Member(J))

Heard the learned counsel on admission. The applicant is a painter in 56 ASP, Air Force, Faridabad. The applicant has a grievance of seniority. Government of India vide their letter dated 15.10.1984 introduced upgradation as a bench mark percentage in the following manner:

(a) Highly skilled Gr. I (Rs. 380-560)	15%
(b) Highly skilled Gr. II (Rs. 330-480)	20%
(c) Skilled Grade (Rs. 260-400)	65%

In compliance of the aforesaid order, it was recommended that only one highly skilled Gr. II i.e. Carpenter was recommended and forwarded to Headquarters. MC accepted the recommendation of the Carpenter vide order dated 4.10.1985. For other trade Command wrote that no upgradation could be possible in accordance with the bench mark percentage. In view of this one carpenter was promoted from skilled to highly skilled Gr. II. The applicant, painter and Shri William John, FMT(A) represented their case of promotion which was forwarded to Headquarters, MC on 3.12.1983.

Headquarter, MC vide their letter dated 25.3.1986 informed that the establishment post in FMT(A) and painter trade at the unit are so meagre that they could not be covered under the bench mark percentage (Skilled 15%, HS II 20% and HS I). However on subsequent consideration of the matter non viable trade clubbed together for effecting upgradation and possibility was explored to group two trades viz., Painter, Fit Auto FMT(A) and HTM(A) and ratio implemented under bench mark percentage i.e. upgraded to HS II. At that time the applicant was drawing the pay of skilled painter and Shri William John was getting HS II. HS II was given to Shri B.D. Sharma and HS I was given to Shri William John. Thus, both the individuals were upgraded by the letter dated 3.2.1987 but the applicant was discharged and he claimed seniority before Shri John.

In this application the applicant prays for the grant of the relief that Order of Promotion of Shri John to HS I with effect from 15.10.1985 be quashed and the order passed of clubbing of viable and non viable trade be set aside. Directions be issued to the Respondents to promote the applicant w.e.f. 15.10.1985 as HS Gr. I

During the course of hearing, the learned counsel for the applicant has also filed a copy of the judgment passed in OA No. 1757 of 1988 decided by the Principal Bench on 12.9.1991 B.D. Sharma Vs. Union of India & Ors. In this application also the same issues were involved as observed in Para 3 of the Judgement.

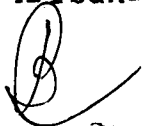
"We have heard both the parties and perused the records. The issues involved in this case are (i) whether Shri John was transferred in public interest


and did not <sup>lose</sup>~~lose~~ seniority in his FMT(A) trade?  
(ii) whether Shri John was working from 1981 in the scale of Rs. 330-480 and the applicant in the scale of Rs. 260-400? and (iii) When the trades are combined for making the 3 structure grades and percentage viable whether the method followed by the respondents in giving the promotions is correct?

This original application was dismissed on merit. The same reliefs are claimed by the applicant in the present O.A. As such, the matter cannot be reconsidered as being barred by the principle of res judicata.

The counsel for the applicant, however, argued that he is assailing inaction of the respondents on the joint consultation machinery report dated 12.3.1993. However, this recommendation has been made in line with the earlier decision arrived at.

The applicant has no prima facie case and the application therefore, is dismissed under Section 19(3) of the Administrative Tribunal Act, 1985 at the admission stage itself.

  
(B.K. Singh)  
Member(A)

  
(J.P. Sharma)  
Member (J)

\*Mittal\*