

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
SITTING AT NAINITAL

Original Application No. 980 of 1996.

this the 4th day of July 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

1. M.K. Sharma, aged about 43 years, S/o Late Sri K.P. Sharma, 37, Vijay Colony, Dehradun.
2. Laxman Rao, aged about 57 years, S/o late Sri R.S. Rao, R/o 57, Gurdwara Colony, Clamant Town, Dehradun.
3. Ram Lal Uniyal, 45 years, S/o late Sri Narottam Das, Balawala, Dehradun.
4. Shital Prasad, 50 years, S/o Sri Om Prakash Telpur, Dehradun.
5. B.S. Panwar, 41 years, S/o late Sri Sher Singh R/o Nai Basti, Chukkuwala, Dehradun.
6. Kadar Singh Rawat, 45 years, S/o Sri N.S. Rawat, R/o Talwar Line, MES Colony, Dehradun.
7. S.C. Joshi, 44 years, S/o late Sri T.R. Joshi, R/o Sewla Kalan Majra, Dehradun.
8. Vijay Kumar Sharma, 49 years, S/o Sri Ram Lal Sharma, R/o 32/1 Bhandari Bagh, Dehra dun.
9. Rai Singh, 43 years, S/o Sri K.S. Rawat, MES Colony, Dehradun.
10. Sarvendra Singh & Sajwan, 43 years, S/o late Sri G.S. Sajwan, R/o 46/2, Patia Camp, Ghari Cantt., Dehradun.
11. Pushkar Singh, 46 years, S/o Sri Bamghir Singh, R/o 46/2 Talwar Tine Ghani Cantt. Dehra-dun.
12. Ram Din, 42 years, S/o late Sri Sukhi Ram Jogiwala, Mehakampur, Dehradun.
13. Prem Singh 39 years, S/o late Sri Babu Lal, R/o 46/3 Talwar Line, Dahradun.
14. Surendra Singh 43 years, S/o Sri Gurmukh Singh,

R/o 46/3, Walwar line, Dehradun. Cantt, Dehradun.

15. Indra Deo Joshi, 45 years, S/o late Sri S.S. Joshi, R/o 1/2 Beniya Bazar, Dehradun Cantt, Dehradun.
16. Surendra Kumar, 47 years, S/o late Sri Swarup Chandra Gujrada, Shastra Dehra Road, Dehradun.
17. Navin Chandra, 48 years, S/o late Sri M.D. Pant, R/o 53/4 Patiya Cantt, Dehradun Cantt, Dehradun.
18. Surendra Prakash, 48 years, S/o late Sri Ram Nimboo Wala Ghari Cantt, Dehradun.
19. Autar Singh, 49 years, S/o late Sri Ranvir Singh, R/o 98/3 Dakra Bazar, Ghani Cantt, Dehradun.

Applicants.

By Advocate : Sri A. Srivastava for Sri K.C. Sinha.

Versus.

1. Union of India through Army Headquarters Engineer-in-chief 'D' Branch, Kashmir House, DHQ P.O., New Delhi.
2. Chief Engineer, Central Command, Lucknow.
3. Commander Works Engineer, Dehradun.
4. Garrison Engineer, Clamant Town, Dehradun.

Respondents.

By Advocate : Km. S. Srivastava.

O R D E R

S. DAYAL, MEMBER(A)

This application under Section 19 of the Administrative Tribunals Act, 1985, has been filed jointly by 19 applicants. The reliefs sought through this application are :

(1) a direction to the respondents to treat the applicants as already working in the pay-scale of Rs. 260-400/- as skilled workers and grant them the pay-scale of

Rs. 330-480/- from the date of passing their trade test which was the basis for their promotion from Motor Pump Attendant to Refrigeration Mechanic.

(ii) A direction to the respondents to grant the same pay and allowances as given to their junior Sri Bishan Singh.

(iii) A direction to the respondents to grant the benefits allowed to the applicants in O.A. no. 315 of 1987.

2. The case of the applicants is that they were recruited to the post of Motor Pump Attendant (MPA in short), a post in semi-skilled category at the time of their recruitment. The post of MPA was a feeder post for promotion to the post of Refrigerator Mechanic (R.M. in short), which was a skilled category.

3. The pay-scales of MPA were less than the pay-scales of R.M. during the implementation of recommendations of first three Pay Commissions. The MPAs were required to pass trade test of R.M. and were granted one increment as incentive at the time of promotion. All the applicants had appeared and passed the trade tests. The applicants were promoted to the post of R.M. on various dates in the years 1980, 1981, 1983, 1986 and 1987. On the recommendations of the Third Pay Commission and Expert Classification Committee was set-up in 1974 to evaluate the job content of all industrial and non-industrial jobs in defence establishments and to correlate the evaluation to the pay-scales recommended by the Third Pay Commission. The recommendations of the Committee were received in 1979 and a five pay-scale structure was adopted for various trades in 1981 after considering the recommendations of the Expert Classification Committee. The claim of the applicants is that since all the applicants barring the first four, who were promoted before the orders dated 16.10.81 were issued, were deemed to be in the scale of Rs. 260-400/- they are entitled to grant of one increment in the pay-scale of Rs. 260-400/- and fitment in the pay-scale of Rs. 330-480/-

as R.M.

4. We have heard Sri Ashish Srivastava brief holder of Sri K.C. Sinha for the applicants and Km. Sadhana Srivastava for the respondents.

5. The issues which arise are as to whether the applicants are entitled to an increment in the pay-scale of Rs. 260-400/- on account of their promotion from MPA to R.M. on account of their having passed a the trade test and whether they are entitled to fixation of their pay in the pay-scale of Rs. 330-480/- per month.

6. The applicants have relied-upon the authority of order dated 30.7.1991 of the Principal Bench of C.A.T. in O.A. no. 315 of 1987 between Sri Devinder Kumar & Another Vs. Union of India & Others. This authority does not help the applicants because the direction was to consider the case of the applicants for revision of pay and for payment of arrears as due. The respondents have stated in their Counter reply that the applicants' claim in the said O.A. was considered and rejected by the respondents. The Contempt petition filed by the applicants in that case was dismissed by the Principal Bench.

7. The applicants have claimed promotion to H.S. Grade-II on the ground that their juniors namely Sri Yogendra prasad, Sri Bishan Singh and Sri Ramesh Kumar were promoted. This ground is not tenable because Sri Yogendra Prasad, Sri Bishan Singh and Sri Ramesh Kumar had been made members of the cadre of Fitter General Mechanic w.e.f. 6.7.94. This cadre had its own avenues of promotion to H.S. Grade-II and H.S. Grade-I. These three were promoted to Fitter General Mechanic H.S. II on 11.7.95. The applicants had ceased to be MPA/Pump House Operator when this trade came into being. They had become a part of the trade and cadre of R.M. and were entitled to promotion to HS Grade-II and Grade-I posts in that cadre.

8. The applicants have claimed the pay-scale of Rs. 330-480/- on their promotion from the post of MPA to that of R.M., but in paragraph 4.10 of their application, they have shown that they were promoted to the scale of Rs. 260-400/- of the R.M. which was the scale for the skilled category. They do not appear to have raised any objection to their promotion to the said scale at the appropriate time and have challenged it when their juniors whose trade was changed to Fitter General Mechanic (F.G.M. in short) received promotion to the grade of HS Grade-II in that trade. The claim that the scale of R.M. skilled should have been Rs. 330-480/- is not tenable because the pay-scales are fixed on the basis of recommendation of an Expert body and cannot be interfered with ^{increase in pay-scales of trades} only on the ground that they affect certain employees adversely. We find from a perusal of order dated 16.10.81 that the recommendation of the Committee resulted in reduction in pay-scales of certain cadres. Thus, the recommendations of Expert Classification Committee did not aim at all round ^{in cases} but at rationalisation of pay-scales and adverse results in case of some trades would not as warrant a change in relativities recommended by Expert Classification Committee and accepted by the Government.

9. We, therefore, find no merit in the O.A. and the same is dismissed without any order as to costs.

Ram Veder
MEMBER (J)

GIRISH/-

Shane
MEMBER (A)