

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 14th day of July, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 711 of 2004

Jagdish Chandra Pant, aged about 56 years S/O Shri Jamuna
Dutt Pant, MES No.457601, Fitter General Mechanic, HS-I,
C/O Garrison Engineer-MES, Hempur, P.O.R.T.S.&D. Hempur,
District Udham Singh Nagar, Uttaranchal.

.....Applicant.

Counsel for applicant : Sri R.C. Pathak.

Versus

1. Union of India, Ministry of Defence, New Delhi through
Secretary.
2. The Garrison Engineer No.2, Shahjahanpur Road, Bareilly
Cantt., Bareilly.
3. Garrison Engineer, MES Hempur (Uttaranchal).

.....Respondents.

Counsel for respondents : Sri R.R.K. Mishra.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri R.C. Pathak, learned counsel for applicant
and Sri R.R.K. Mishra, learned Addl. Standing Counsel for
Union of India. We have also perused the pleadings and the
order impugned herein.

2. The minimal facts necessary to highlight the
controversy are that the applicant was working as Fitter
General (Mechanic), HS-II in the scale of Rs.1200-1800 and
pursuant to Hqrs., CWE(East) Letter No.1423-B/3890/EIC(2)
dated 15.12.2000, he was promoted from FGM HS-II to FGM HS-I
(IN CIU) in the pay scale of Rs.4000-100-6000 and placed in
position w.e.f. from same date. This is evident from Garri
Engineer No.2, Bareilly PTO No.43/2000-23rd October, 2000,
copy of which has been annexed as Annexure A-5. It further
appears from the said document that consequent on second

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financial upgradation under ACP scheme, the applicant was approved for placement from lower scale to higher scale of Rs.4000-6000 and placed in position w.e.f. 9th Aug., 1999. Earlier, the applicant's pay as FGM HS-II was fixed at Rs.1320/- w.e.f. 9.4.1996 in the pay scale of Rs.1200-30-1440-EB-30-1800 provided that no qualifying service intervened. By G.E.(East), Bareilly PTO No.05/2002 dated 4.2.2002 annexed as Annexure A-7, however, it was provided that for pay scale of Rs.4000-100-6000 read Pay Scale Rs.4500-7000 with reference to PTO No.43/15/2000 dated 23rd Oct., 2000. The applicant was described therein as FGM HS-I. This was an obvious mistake in as much as October, 23, 2000 order had placed the applicant in the scale of Rs.4000-6000 and pursuant to the order impugned herein, the said mistake is sought to be corrected by providing that the applicant's in Situ promotion from FGM HS-II to FGM HS-I was in the pay scale of Rs.4000-6000. In our opinion, no exception can be taken to this rectification for it is quite in consonance with the order dated 23.10.2000.

3. However, Sri R.C. Pathak, learned counsel for the applicant submits that FGM HS-II and FGM HS-I were merged by the order dated 1.2.1995 and the applicant was entitled to second promotion under the ACP scheme and ought to have been given the scale of Rs.4500-7000 and in view of the ACP scheme for industrial employees, as visualised in the letter dated 10th Oct., 2003 of the Military Engineering Services Engineer-in-Chief Branch, New Delhi, a copy of which has been annexed as Annexure A-8, the applicant is entitled to the scale of Rs.5000-8000. We are of the view that the applicant ought to have first invited the attention of the relevant authority in respect of this grievance before approaching the Tribunal. In the interest of justice, therefore, it is provided that in case the applicant prefers a representation for redressal of his grievance, the competent authority shall

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consider and dispose of the representation by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

4. The O.A. is disposed of in the above terms with no order as to costs.

A.M.
A.M.

V.C.
V.C.

Asthana/