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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

O.A. No. 700 of 1987.

Mahender Singh Saluja

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. A.B.Gorthi, Adm. Member)

Aggrieved by his non-promotion to the post of Miller, H.S. Grade II, the applicant has approached us through this application for a direction to the respondents 1 and 2 to promote him in the vacancy caused by promotion of Shri D.N. Agnihotri from Miller H.S. grade II to H.S. grade I with effect from 15.10.84.

2. The applicant joined the services in 1967 at Ordnance Factory, Kanpur as an apprentice and was in July, 1979 promoted as Miller B (Rs 260-400). In 1984, the government introduced the grade of Highly skilled grade II and Highly Skilled Grade I for some common category ^{of skilled} jobs which were identified and classified. These higher grades were to be given in the following ratio:

A)	Highly Skilled grade I (Rs 380-560)	15%
B)	Highly Skilled grade II (Rs 330-480)	20%
C)	Skilled (Rs 260-400)	65%

3. The applicant's contention is that all the 23 trades which were identified by the Government of India, Ministry of Defence Letter No. 3808/D.S. (O & M)/C.I.V.-1/84 dated 15.10.84, should be grouped together for the purpose of ^{allocating} grade I and grade II as per the percentages shown above. This was not done. On the other hand, ~~the~~ only a few trades, ^{where} the tradesmen were not ^{many} much, were grouped together, for the purpose of grant of higher grades. Consequently, the applicant, though senior, was not promoted to H.S. grade II when the vacancy arose on 15.10.84, but his juniors belonging to other trades were promoted.

4. The respondents, while admitting various facts brought out in the application, have clarified that the aforesaid government letter itself contains a provision which reads as under:

"If there are non-viable trades, these should be grouped together for the purpose of giving the percentages as introduced, the selection grade for the skilled grades, if provided will stand simultaneously abolished as a one time measure.

Further, the Ordnance Factory Board, vide letter dated 8.5.85 clarified that if the total strength

of the skilled H.S. grade II and H.S. grade I in any trade is too small to be re-distributed, as per the given percentages, ~~and~~ such trade may be grouped with the other similar smaller trades for the purpose of granting higher grades according to the prescribed percentage. Accordingly, the authorities concerned grouped together the trades of Welder, Miller, Blacksmith, Tin-smith, Fitter Pipe, Fitter Auto/Electric and Line Mistri, in all of which there were only 12 posts. Accordingly, two of them including Agnihotri were promoted to H.S. grade I, two others given H.S. grade II and remaining 8 including the applicant remained in the skilled grade only. In this consolidated approach promotion to H.S. grade I and H.S. grade II were strictly according to the seniority and the applicant has not been superseded.

5. It is true that as contended by the applicant if all the 23 trades had been grouped together, the applicant would have perhaps been promoted to H.S. grade II. At the same time, we cannot find fault with the system adopted by the authorities concerned. It is their duty to ensure that the trades having larger number of employees, should also have adequate proportion of H.S. grade II and H.S. grade I allowed to them so as to maintain the functional efficiency. Under

the circumstances, the procedure followed by the respondents in clubbing the smaller trades into one group for the purpose of distribution of the higher grades as per given percentages, cannot be said to be either arbitrary or unfair.

6. We, therefore, do not find any merit in the application. It is dismissed ~~here~~ without any order as to costs.

transcript
A.M.

✓
V.C.

Allahabad/Lucknow: Dated: 3-2-92

Shakeel/