

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

ALLAHABAD this the 11th day of April , 2012.

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. JAYATI CHANDRA , MEMBER (A)

Original Application Number. 954 OF 2006.

S.N. Pal, aged about 48 years, S/o Late Bali Raj, R/o Nayaganj, Manauri, Allahabad, at present serving as Chargeman II in 508, Army Base Workshop, Allahabad .

.....Applicant.

VE R S U S

1. Union of India through Defence Secretary, Ministry of Defence, New Delhi - 110011.
2. Director General E.M.E (E.ME-Civ), Army Headquarters, D.H.Q, P.O, New Delhi - 110011.
3. M.G., E.M.E, Central Command, Lucknow.
4. Officer Commanding Station Workshop, E.M.E, Allahabad, Vikramaditya Road, Allahabad.
5. Commandant & MD, 508, Army Base Workshop, Allahabad Fort - 211005.

.....Respondents

Advocate for the applicant: Shri S. Lal

Advocate for the Respondents: ~~Shri~~ N.C. Nishad

ORDER

Delivered by Hon'ble Mr. Sanjeev Kaushik, J.M.

The only controversy involved in the instant original application is the interpretation of O.M dated 20.05.2003 by which restructuring of cadre has been notified in the recommendation of 5th C.P.C.

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2. Learned counsel for the applicant submitted that the respondents are not promoting the applicant on the post of Master Craftsman on the grounds that he had not given option, which is contrary to the clause 4(iv) of the said O.M, wherein it is categorically stated that the post of Master Craftsman shall continue to be considered as highly skilled grade for the purpose of promotion to the grade of Chargeman -II (Rs. 5000-8000).
3. Learned counsel for the respondents on the other hand submitted that in terms of para 3(b) of O.M dated 20.05.2003, the post of Master Craftsman does not fall within the category of highly skilled grade. He referred to para 6 of C.A, i.e. the reply to para 4.7 of the O.A, which reads as under: -

“As per para 3(b) of the Government of India Min. of Defence letter No. 11(1)/2002/D(Civ-1) dated 20.05.2003 “the post of Master Craftsman shall not part of the hierarchy and the placement in this grade will not be treated as promotion for High Skilled Grade wither under normal promotion rules or under ACP”. Accordingly the placement of the applicant in this Grade in the pay scale of Rs. 4500-125-7000 could not be made because of all relevant papers/formalities for selection of the applicant to the Grade of Master Crafts could not be completed as the applicant was to produce OPTION CERTIFICATE as laid down in the Government of India, Min. of Defence Letter No. 1(2)/80/D(Civ.-1) dated 21 September 1982 paragraph 6(f) (i) which he had not produced to the respondent (employer), hence further necessary action through Departmental Channel could not be taken for grant of Master Craftsman Grade and pay in the scale of Rs. 4500-125-7000 could not be fixed so far.....”.

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4. Learned counsel for the respondents vehemently argued that since the applicant had not filed his option in terms of O.M dated 21.09.1982, therefore, the case of the applicant was not considered.

5. We have considered the rival submissions and have gone through the record.

6. Clause 3(b) and 4(iv) of O.M dated 20.05.2003 is reproduced as under : -

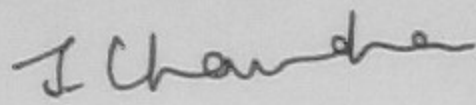
“3.(b).The post of Master Craftsman shall not be part of the hierarchy and the placement in this grade will not be treated as promotion for Highly Skilled Grade either under normal promotion rules or under ACP Scheme.”

“4(iv). The post of Master Craftsman shall continue to be considered as highly skilled grade for the purpose of the grade of Chargeman -II (Rs. 5000-8000).”.

7. The submissions made by the respondents are misplaced as it is nowhere stated by the respondents that the post of Master Craftsman is to be treated as promotion. On the contrary sub clause (b) of Clause 3 specifically stated that this clause is applicable only when A.C.P is to be given to an employee and Clause 4(iv) is very clear and mandates that the post of Master craftsman shall continue to be considered as highly skilled grade for the purpose of promotion to the grade of Charge Man -II in pay scale Rs. 5000-8000, therefore, we are satisfied that the objection raised by the respondents that the applicant is to be filed option pursuance to the O.M dated 21.09.1982 is misplaced.

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8. Accordingly , the O.A is allowed. Respondents are directed to consider the case of the applicant for promotion without asking for option and in terms of Clause 4(iv) of O.M dated 20.05.2003. Let this exercise be completed within a period of three months from the date of receipt of certified copy of the order. No costs.



MEMBER- A



MEMBER- J

/Anand/