

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.235 OF 1995
Cuttack this the 3rd day of August/2000

Jayanta Kumar Mohapatra ... Applicant(s)

-VERSUS-

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *Yes*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *No*

(G.NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
3/8/2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.235 OF 1995
Cuttack this the 3rd day of August/2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)
...

Jayanta Kumar Mohapatra
T/M.E., T. No. 828,
S/o. Prabodha Ch. Mohapatra
M.T. Section, P & E.E.,
Chandipur

...

Applicant

By the Advocates

M/s. B.K. Sahoo
K.C. Sahoo

-VERSUS-

- S Som*
1. Union of India represented
by Secretary to Ministry of
Defence,
New Delhi-110001
 2. Scientific Adviser to the
Ministry of Defence and Director
General Research & Development
Organisation, Ministry of Defence
DHQ, New Delhi-110011
 3. Commandant,
Proof and Experimental Establishment
Chandipur,
Balasore

...

Respondents

By the Advocates

Mr.S.B. Jena
Addl.Standing
Counsel (Central)

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MR. SOMNATH SOM, VICE-CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for a direction to respondents to upgrade him to the post of Tradesman 'C' in the scale of Rs.260 - 400/- from the date he was appointed to the post of Tradesman 'E' along with consequential benefits.

2. Shortly stated the case of the applicant is that he was appointed as Tradesman mate electric on 24.12.1986 which is at the level of Tradesman 'E'. At that time he had the necessary qualifications and eligibility to be appointed as Tradesman 'C'. His grievance is that as he had the necessary eligibility and qualifications for Tradesman 'C' he should have been appointed as Tradesman 'C' and not as Tradesman 'E'. He has further stated that cases of similarly placed Tradesmen in category 'E' were considered by the respondents as a one time measure and they were granted the benefit of upgradation with effect from 15.10.1984. But the same benefits have been denied to him. In the context of the above facts the applicant has approached this Tribunal with the aforesaid prayers. The applicant has also referred to Original Application No.111/91 filed by the similarly circumstanced persons before the Bangalore Bench of the Tribunal, which according him, had allowed the prayer made by the applicants therein.

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3. Respondents in their counter have opposed the prayer of the applicant. They have stated that as a one time measure relaxation was given to Tradesmen 'E' whose who were in position as on 15.10.1984 and thereafter, the recruitment rule was changed. The applicant had knowingly joined in the category

of Tradesman 'E' and therefore, he cannot now claim to be appointed as Tradesman 'C' from the date of his joining. Similar matters came up before this Tribunal in Original Application Nos.94/95, 113/95, 242/95 and 26/96 which were rejected in order dated 26.7.2000. It was noted in the common order passed by the Tribunal that this controversy had come up before different Benches of the Tribunal and was ultimately referred to Full Bench in Original Application No.111/91 decided on 18.6.1993. Basing on this decision Government of India issued orders dated 17.11.1993 in which as one time measure relaxation was given in respect of Tradesmen 'E' existing as on 15.10.1984 for upgradation to Tradesmen 'C'. But the applicant in this case joined as Tradesman 'E' after 15.10.1984 and therefore, the decision of one time relaxation is not applicable to him. It is also to be noted that the relevant recruitment rules have subsequently been amended and the applicant having joined after such amendment of the recruitment rules is not entitled to the benefit of one time relaxation. The application is therefore, held to be without any merit and the same is rejected.

Shri S.B.Jena, learned Addl.Standing Counsel appearing for the respondents is present and heard.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO//

Somnath Soni
(SOMNATH SONI)
VICE-CHIEF