

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 21.12.2000

O.A. No. 58/1997

Arjun Singh S/O Shri Idan Singh, aged about 58 years,
 R/O P.No. 31, Nehru Colony, Baggi Khana, Jodhpur (Presently
 working as Electrician in the office of GE (Army) Jodhpur).

.... Applicant

VS

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. Engineer-in-Chief's Branch, Army Headquarters, DHQ PO Kashmir House, New Delhi.
3. Commander works Engineers, (Army) Multan Lines, Jodhpur.
4. Garrison Engineers (Army) Multan Lines, Jodhpur.

.... Respondents

Mr. S.K. Malik, Counsel for the Applicant.

Mr. B.S. Rathore, Counsel for the Respondents.

CORAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant Arjun Singh has prayed for a direction to the respondents to consider the case of the applicant for promotion to the post of Electrician HS II in the grade of Rs.330-480 with effect from 15.10.1984, the date from which persons junior to the applicant had been promoted, with all consequential benefits.

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2. Applicant's case is that he was appointed as Wireman after due selection on 15.1.1976. As per the IIInd Pay Commission recommendation, the applicant was given the pay scale of Rs.260-400 w.e.f. 16.10.'81. In terms of the fitment policy of Industrial workers in MES on recommendations of the Expert Classification Committee and the Committee on common category jobs, five scales of pay were provided to the MES workers of certain trades vide respondents' letter dated 11.5.1983 (Annexure A/2). 10 per cent of the posts in trades enumerated in Annexure A/2 of letter dated 11.5.'83 were to be upgraded from Skilled grade/Highly Skilled grade II to Highly Skilled Grd II/Ist respectively. Applicant's trade of Wireman was also included in this upgradation scheme. Accordingly, four persons in category of Wiremen were given the upgraded scale of Rs.330-480 w.e.f. 15.10.'84 vide respondents' letter dated 17.10.'86 (Annexure R/1). All the Wiremen who were given the scale of Rs.330-480 were senior to the applicant. Contention of the applicant is that some of his juniors had been given the scale of Rs.330-480 w.e.f. 15.10.'84 ignoring the claim of the applicant. Representation of the applicant in this regard was rejected vide respondents' letter dated 26.6.'96 (Annexure A/1). Feeling aggrieved, the applicant has filed this application.

3. In the counter, it has been stated by the respondents that the individuals falling within authorised strength of 20% and further 10% had been given the benefit of one time relaxation for promotion to HS Grd II. It has also been pointed out by the respondents that the applicant being junior could not find place within the vacancies of above percentage and as such they were not considered. It has, therefore, been averred by the respondents that the application is devoid

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of any merit and deserves dismissal.

4. we have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. Applicant's contention is that some of juniors namely, R.C. Nagori, SP Gaur, Ishwar Singh all Switch Board Attendants and Shiv Mohan Vyas Lineman, though junior to the applicant had been given the scale of Rs.330-480 w.e.f. 15.10.'84. S/Ah. R.C. Nagori and SP Gaur got the scale vide respondents' order of the year 1987, while Ishwar Singh and Shiv Mohan Vyas got the scale w.e.f. 15.4.1984 as per direction of this Tribunal in the year 1996. It is a fact that all these four persons joined the Department much later than the applicant and, therefore, the applicant can call them as his juniors. But fact remains that they belonged to different trades and they got higher scale of their pay as per the percentage fixed under the scheme. Learned Counsel for the applicant admitted that no junior to the applicant in the trade of Wiremen has been given the higher scale of Rs.330-480 under the scheme. Learned Counsel for the applicant has also brought to our notice orders of this Tribunal dated 09.12.'98 in O.A. No.101/97 and also the order dated 07.2.2000 in O.A. No.204/97. In O.A. No.101/97 and the batch, applicants therein/working as Cable Jointer and they had demanded the scale of Rs.380-560 in place of grade Rs.330-480. In the case in hand, the applicant is seeking the scale of Rs.330-480 w.e.f. 15.10.84. The prayer in OA No.101/97 and the batch for grant of scale Rs.380-560 was rejected. Thus, our order dated 09.12.98 in O.A. No.101/97 is distinguishable and does not apply to the case in hand. In O.A. No. 204/97, reverti of the applicant from the post of Electrician Hs Grd. II vide respondents' order dated 3.6.'97 was challenged. In

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that case, the applicant was appointed on the post of Lineman w.e.f. 17.12.76 and was given the pay scale of Rs.260-400 w.e.f. 16.10.81, and as per his seniority position as on 15.10.84, the applicant was promoted to the post of Electrician HS II w.e.f. 15.10.84 in the pay scale of Rs.330-480. The applicant in O.A. No.204/97 had been ordered to be reverted for the period 15.10.85 to 30.9.88 without any show-cause notice. Similarly situated persons were also reverted after show-cause-notice, but the action of the authorities had been quashed by the Tribunal in two previous orders in O.A. No. 260/94 dated 5.2.2000 and O.A. No.203/97 dated 11.1.2000. In these circumstances, it was held that the applicant's case was not different than those cases and, accordingly, the O.A. was allowed. Here also it is pointed out that the facts of the case in hand are distinguishable than the cases cited by the learned Counsel for the applicant. Thus, the cited judgments and orders do not come to the rescue to the applicant. In these circumstances, we do not find any merit in this application and the same deserves to be dismissed.

6. The Original Application is accordingly dismissed with no order as to costs.

(Signature)
(GOPAL SINGH)
Adm. Member

(Signature)
(B.S. RAIKOTE)
Vice Chairman

J

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