

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.883/1997

Date of order : 18.3.2004

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman
Hon'ble Mr. N.D. Dayal, Administrative Member

MADHU SUDHAN SAHA & ORS.
VS.
UNION OF INDIA & ORS.

For the applicants : Mr. N.C. Chakraborty, counsel
Mr. B.P. Manna, counsel

For the respondents : Ms. K. Banerjee, counsel

O R D E R

The applicants have been undisputedly working as Fitter General Mechanic, Refrigerator Mechanic in the skilled and highly skilled category from the period ranging between 1965 to 1980. Initially some of them were working as semi-skilled Fitter. After implementation of the 3rd Pay Commission's recommendation all were graded as Skilled Mechanic.

2. Mr. Chakraborty, ld. counsel appearing for the applicants has drawn our attention that since the applicants were discriminated by not giving promotion to the higher grade i.e. highly skilled Gr.I, therefore, they have filed this application for appropriate direction for implementation of 3rd Pay Commission's recommendations.

3. From the record it has revealed that the respondents were asked to submit a report as to whether they had already implemented the recommendations of the 3rd Pay Commission in full or not. Ms. Banerjee, ld. counsel for the respondents in course of hearing passed on one letter dated 12.4.2003 whereby it is stated that the authorities had already implemented the recommendations of 3rd Pay Commission and fixed the scale of pay of the applicants Rs.260-400/with effect from 16.10.1981. Accordingly the said benefit was also extended to the applicants vide Garrison Engineer's order Part-II, Bengdubi dated 16.5.1983. The said implementation also has been reflected in the Service Books Part I of the applicants. The further grievance of the applicant is that though the respondents

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implemented the 3rd Pay Commission's Report, they have not implemented the same in full and they have given only the general scale of pay as admissible to Skilled labours. They have not further classified the skilled labour into high Skilled Labour Gr.II and Gr.I. On our query Ms. Banerjee, 1d. counsel for the respondents has submitted that it is a policy decision which is to be taken from time to time requiring the need of the Administration. Subsequently such benefit also have been given to the applicants on or after July, 1994. The applicants at the moment are working in highly skilled Labour Gr.II and Gr.I. The respondents have issued a circular dated 21.7.1994 vide Annexure A-9 whereby they have indicated that such promotion to the High Skilled Gr.II level and high Skilled Gr.I level shall be completed before 31.3.1995 subject to the candidates having requisite qualification of passing trade test. The percentage of promotion has been indicated as 65% for Skilled Grade, 20% for Highly Skilled Gr.II and 15% for Highly Skilled Gr.I.

4. In that view of the matter, we hereby direct the authorities that they must strictly adhere to the circular and give promotion in accordance with the guidelines stated therein.

5. With the above observations, the application is disposed of.
No order as to costs.



MEMBER(A)



VICE-CHAIRMAN