

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.464 of 1999.

Tuesday, this the 12th day of December, 2000.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. Sri. V.K. Viswambaran,
Civil Motor Driver, (Ordinary Grade),
INS Venduruthy, Cochin-4.
2. Sri. AAC Nair,
Civil Motor Driver (Ordinary grade),
INS Venduruthy, Cochin-4.
3. Sri. P.C. Yesudas,
Civil Motor Driver(Ordinary grade)
NSD, Cochin-4.
4. Sri K.P. Augustine,
Civil Motor Driver (Ordinary grade)
NSD, Cochin-4.
5. Sri K. Muraleedharan,
Civil Motor Driver, (Ordinary grade)
INS Venduruthy, Cochin-4.
6. Sri CR Girijavallabhan,
Civil Mootor Driver (ordinary grade)
NSD, Cochin-4.
7. Sri Cherian,
Civil Motor Driver (Ordinary grade)
INS Venduruthy, Cochin-4.
8. Sri. V. Gopinathan,
Civil Motor Driver(Ordinary grade)
INS, Cochin-4.
9. Sri D. Vijayakumar,
Civil Motor Driver(Ordinary Grade)
INS Venduruthy, Cochin-4.
10. Sri KV Viswankutty,
Civil Motor Driver (Ordinary grade)
INS Venduruthy, Cochin-4.
11. Sri K. Prabhakaran,
Civil Motor Driver (Ordinary Grade)
NSD, Cochin-4.

12. Sri KP Madhavan,
Civil Motor Driver (Ordinary grade)
INS Venduruthy, Cochin-4.
13. Sri M. Basheer,
Civil Motor Driver (Ordinary grade)
INS Venduruthy, Cochin-4.
14. Sri P.M. Joseph,
Civil Motor Driver (ordinary grade)
INS Venduruthy, Cochin-4.
15. Sri P. Subramania Pillai,
Civil Motor Driver (Ordinary grade),
INS Venduruthy, Cochin-4.
16. Sri A. Rajappan Pillai,
Civil Motor Driver (Ordinary grade)
INS Dronacharya, Cochin-4.
17. Sri K. Narayanan nair,
Civil Motor Driver (ordinary grade),
INS Venduruthy, Cochin-4.
18. Sri Thomas George,
Civil Motor Driver (ordinary grade)
INS Venduruthy, Cochin-4.
19. Sri V.T. Jose,
Civil Motor Driver (ordinary grade)
INS Venduruthy, Cochin-4.
20. Sri SG Premajan,
Civil Motor Driver (Ordinary grade)
NSD, Cochin-4.
21. Sri P.K. Prabhakaran,
Civil Motor Driver (Ordinary grade)
INS Venduruthy, Cochin-4.
22. Sri V. Vasu,
Civil Motor Driver (Ordinary grade)
BLO, Cochin-4.
23. Sri Shajan Sebastain,
M.T. Driver Grade-II,
INS Dronacharya, Cochin-4.
24. Sri VK Nair,
Civil Motor Driver (Ordinary grade)
INS Venduruthy, Cochin-4.
25. Sri NC Thomas,
Civil Motor Driver (Ordinary grade)
INS Venduruthy, Cochin-4.
26. Sri P.O. Mathai,
Civil Motor Driver (Ordinary grade)
INS Venduruthy, Cochin-4.

27. Sri C. Ponnappan Achary,
Civil Motor Driver(ordinary grade)
INS Dronacharya, Cochin-4. Applicants

(By Advocate Shri T.I. Daniel)

Vs.

1. Union of India, represented by the
Secretary, Ministry of Defence,
Government of India, New Delhi.
2. The Commodore,
Chief Staff Officer (P&A),
Head Quarters,
Southern Naval Command,
Kochi-682 004.
3. The Civilian Gazetted Officer,
Staff Officer (Civilians)
for Flag Officer,
Commanding -in-Chief,
Head Quarters,
Southern Naval Command,
Kochi-682 004. Respondents

(By Advocate Shri Govindh K. Bharathan, SCGSC)

The application having been heard on 12.12.2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicants 27 in number of whom except applicants No.4, 20 and 23, are Ex-servicemen have filed this application jointly seeking the following reliefs.

"1. To quash Annexure: A-22 list prepared by the 2nd respondent on 20.10.1998 for redesignating the applicants from the post of M.T. Driver, Grade II to the Civil Motor Driver ordinary grade with effect from 1.1.1996;

2. To declare that the applicants are not liable to undergo any trade test for getting promotion to the Civil Motor Driver, Grade II from their existing post of Civil Motor Driver; ordinary grade and further declare that the promotion to the civil Motor Driver, Grade II should be given to the applicants according


3. To declare that the applicants are entitled to get the benefit of the revised pay scale of the Civil Motor Driver Grade II till 20.10.1998 the date on which they were redesignated as Civil Motor Driver ordinary grade;

4. To issue any other order or directions this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. Applicants were appointed as M.T.Driver, Grade-II while they were working in the pay scale of Rs. 3050-4590. by order dated 20.10.1998 (A-22), they were re-designated as Civilian Motor Driver (ordinary grade). Their grievance is that for getting the higher scale of pay attached to the post of Civilian Motor Driver Grade-II in the scale of Rs. 4000-6000 they are being subjected to a trade test. Having rendered services as Motor Driver for a considerable length of time the applicants plead that the insistence of their passing of trade test is unjustified and illegal. Therefore, they have prayed that the impugned order classifying them as Civilian Motor Driver (ordinary grade) may be set aside and it may be declared that for the purpose of getting a higher scale, they are not liable to be put to a trade test.

3. The respondents contend that on the introduction of 3 grade structure for Civilian Motor Drivers their promotional chances have been improved and that for being placed on the higher scale, they have to be trade tested according to the Ministry of Defence letter dated 5.12.1996. The respondents also contend that the impugned order does not take away any of the rights of the applicants and that the applicants do not have any legitimate grievance.

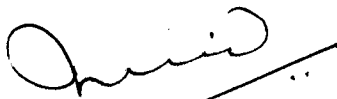
4. On a careful scrutiny of the pleadings and materials placed on record, we find that no injustice is caused to the



applicants by re-designating them as Civilian Motor Drivers (ordinary grade) and throwing open to them the promotional avenues of Civilian Motor Driver Grade II and Grade I on being subjected to the Trade Test.

5. Application is without merit and the same is dismissed leaving the parties to bear their own costs.

Dated the 12th December 2000.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

rv

Annexure A-22: Memorandum CS 2760/7 dated 20th October 1998
issued by the Commodor, Chief Staff Officer,
(P.A.), Southern Naval Command, Kochi-4.