

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKLULAM BENCH

O.A.No. 465/1997

Wednesday this the 23rd day of July, 1997

CORAM

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

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. C.K.Sukumaran,
Typewriter Mechanic,
Signal School,
INS Venduruthy,
Southern Naval Command,
Cochin-4.
2. M.R.George,
Typewriter Mechanic,
Signal School,
INS Venduruthy,
Southern Naval Command,
Cochin-4.
3. E.Jayasankaran,
Typewriter Mechanic,
Signal School,
INS Venduruthy,
Southern Naval Command,
Cochin-4.

... Applicants

(By Advocate Mr. B. Gopakumar)

Vs.

1. Union of India, represented by
its Secretary to Governemnt of India,
Ministry of Finance,
Department of Expenditure,
New Delhi.
2. Secretary, Ministry of Defence,
Government of India, New Delhi.
3. Chief of the Naval Staff,
South Block, New Delhi.
4. Flag Officer Commanding-in-Chief,
Southern Naval Command,
Cochin-682004.
5. The Commanding Officer,
INS Venduruthy,
Southern Naval Command,
Cochin-682004.

.. Respondents

(By Advocate Mr.Rajesh Sagar for Sh.S.Radhakrishnan)

The application having been heard on 23.7.1997, the
Tribunal on the same day delivered the following:

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

This is the second round of litigation between the applicants who are Typewriter Mechanics and the respondents. The first applicant has been working as Typewriter Mechanic for the last thirty years and the remaining applicants are also working similarly under the 4th respondent. Their grievance is that despite long years of service they are stagnating in the entry grade without any chance of promotion. They have pointed out an instance of one Munnuswamy, a Typewriter Mechanic being promoted as Chargeman in the Armed Forces Headquarters and sought similar treatment in their case also. Their representations in this regard did not evoke any favourable response and they filed O.A.739/94 for the identical reliefs as prayed for in this application. That application was disposed of with a direction to the 2nd respondent therein to consider the consolidated representation to be made by the applicants and to dispose of the same within five months from the date of receipt of a copy of the order. In reply to this representation the applicants received order dated 17.7.95 (A8) in which they have been informed that in the facts and circumstances, the applicants would be entitled to only in situ promotion. The applicants feeling that A8 is not a proper disposal of the representations submitted by them by the competent authority has approached this Tribunal again with this application for a direction to the respondents to give the applicants higher grades or promotion on the basis of the length of service giving atleast first higher

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grade on completion of ten years, second higher grade on completion of twenty years of service and third higher grade on completion of 25 years of service with retrospective effect or to treat all Typewriter Mechanics alike as Tradesman.

2. The respondents in their reply distinguished the case of Munnuswamy on the ground that Munnuswamy was a Tradesman 'B' when he was promoted as Chargeman and that the promotion was made in Armed Forces Headquarters whereas the applicants not being Tradesman 'B' and working in the Naval Wing cannot compare themselves with Munnuswamy. Regarding the claim of the applicants for higher grades, respondents contend that the IVth Pay Commission has recommended discontinuance of Selection Grade in Group 'C' and 'D' cadres and that the only benefit which could be given to the applicants are that of in situ promotion considering the lack of promotional avenues. They have also indicated in paragraph 11 of the reply statement that the Vth Pay Commission has made certain recommendations in regard to Assured Career Progression (ACP) Scheme and that the benefit if any available to the class to which the applicants belong would be extended to them after the government taking a decision in that matter. The respondents therefore contend that the application which is devoid of any merit deserves to be dismissed.

3. From the facts and circumstances emerging from the pleadings and the materials placed on record we are of the

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considered view that it is not proper to give any direction to the respondents to grant applicants the promotion as sought. However, on a consideration of the factual situation in which the applicants are placed in the light of the representations submitted by them and in view of the Scheme for in situ promotion, the first applicant has already been granted the said promotion to the grade Rs.1200-1800, the remaining applicants will have to wait for their turn according to the scheme. Respondents have also indicated that there are certain recommendations for Assured Career Progression (ACP) Scheme made in the report of the Vth Pay Commission which would be considered by the Government and an appropriate decision taken.

4. In the light of what is stated above, we dispose of the application observing that the applicants 2&3 would wait for their turn for in situ promotion and that the applicants may look forward for the decision to be taken by the Government on the basis of the recommendations of the Vth Pay Commission. The reliefs prayed for by them are not granted. There is no order as to costs.

Dated the 23rd day of July, 1997.


P.V. VENKATĀKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

Annexure A8: True copy of the communication
No.CP(NG)9700/112/K-12/1738/00(P)/D(N.II)
dated 17.7.1995 issued by the 2nd respondent.

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