

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 582/93

Tuesday, this the 8th day of February, 1994

SHRI N. DHARMADAN, MEMBER (J)  
SHRI S.KASIPANDIAN, MEMBER(A)

P. Aravindakshan,  
Research Assistant,  
Central Water Commission,  
SRM Road, Kochi-18.

.. Applicant

By Advocate Shri P.S.Biju

v/s

1. The Secretary,  
Central Water Commission,  
Sewa Bhavan, New Delhi.
2. The Chairman, CWC,  
Sewa Bhavan, RK Puram, New Delhi.
3. The Superintending Engineer,  
Kaveri & Southers Rivers Circle,  
No.621, 80 Ft. Road,  
I Main, II Block, Rajaji Nagar,  
Bangalore-10.
4. The Ex. Engineer, CWC, South  
Western Rivers Division,  
SRM Road, Kochi-18. .. Respondents

By Advocate Shri K.S.Bahuleyan for  
Advocate Shri T.P.M.Ibrahim Khan, ACGSC.

ORDER

N. DHARMADAN

Applicant who is at present working as Research Assistant, which is a Group-C post. He has filed this application mainly for a direction to the respondents to grant him at least one promotion in-situ as per Annexure-A1 from 1.4.91.

2. He was appointed as Research Assistant in the year 1959 under the CWPRS, Pune. During this long service he did not get any promotion. According to him, he became fully

qualified and eligible for getting next promotion to Group-B post from 1.4.91 when Annexure-A1 O.M. No.10/(1)/E-III/88 was issued by the Ministry of Finance, Department of Expenditure. It provided that employees stagnating at the maximum of their pay scale should be given at least one promotion in-situ during their service period. He also submitted that under Annexure-A1 he is entitled to promotion to Group-B since he has satisfied the qualifications prescribed therein. Since the respondents have not given the benefits under Annexure-A1 to the applicant, he filed Annexures-A2 and A3 representations before the Chairman, CWC, New Delhi. Those representations were rejected as per impugned order, Annexure-A5. The only objection for denying promotion to the applicant is that incentive promotion to the next higher scale is Group-B post which is not permissible to the applicant in the light of the clarification proceedings, Annexure-R4(A), dated 25.5.92.

3. At the time when the case was takenup for final hearing, learned counsel for applicant brought to our notice the averments in Ground-B of the original application. It is stated that at present applicant is in the scale of Rs.1400-2300. There is a higher scale of in which he is now working. b  
Rs.1400-2600 for the same post in Group-C. Even if Group-B is not permissible to the applicant, he is entitled to higher grade of Rs.1400-2600 w.e.f. 1.4.91, the date from which respondents are bound to implement the career advancement scheme under Annexure-A1. There is no explanation as to why the above higher grade is denied to the applicant. Even if Group-B promotion is not permissible under the clarification, since the applicant was qualified for the grade of Rs.1400-2600 in Group-C post, he should have been given that grade w.e.f. 1.4.91.

4. The learned counsel for applicant submitted that the applicant would retire from service in the year 1995. Unless this Tribunal issues a direction, the applicant will be deprived of the benefit of higher grade as indicated above, before his retirement and it would cause gross injustice to him.

5. Having regard to the facts and circumstances of the case, we are of the view that the applicant is entitled to higher grade in Group-C and the respondents should consider the claim of the applicant and pass appropriate order in the light of above observations.

6. Learned counsel for applicant submitted that the applicant would be satisfied if the application is disposed of directing Respondent 2 and Respondent 4 to consider the claim of the applicant for higher grade of Rs.1400-2600 in Group-C post in which he is now working including the date of next increment in that higher grade taking into consideration his service in the post. The respondents have no objection in accepting this submission of the learned counsel for the applicant. Accordingly, we accept the submission and dispose of the application with the same direction to respondents 2 & 4. This direction shall be complied with within a period of four months from the date of receipt of a copy of this order.

7. The application is disposed of with the above direction. There will be no order as to costs.

  
( S. KASIPANDIAN )  
MEMBER (A)

  
8.2.94  
( N. DHARMADAN )  
MEMBER (J)