

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.601 OF 2006

Wednesday, this the 29th day of April, 2009.

CORAM:

**HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms. K.NOORJEHAN, ADMINISTRATIVE MEMBER**

N. Veeranan, Senior Fitter,
Central Institute of Fisheries,
Nautical and Engineering Training,
Kochi - 16, residing at 5/26,
IFP Staff Quarters, Pulleppadi,
Kochi - 18.

... Applicant

(By Advocate Mr. T.C.G. Swamy)

versus

1. Union of India represented by the
Secretary to the Government of India,
Ministry of Agriculture,
Department of Animal Husbandry &
Dairying, New Delhi.
2. The Director, Central Institute of Fisheries,
Nautical and Engineering Training,
Kochi - 16.

... Respondents

(By Advocate Mr. T.P.M. Ibrahim Khan, SCGSC)

The application having been heard on 29.04.2009 the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is presently working as Senior Fitter in the scale of pay of Rs. 3200-4300 under the 2nd respondent. He is aggrieved by the denial of 1st Financial upgradation in the scale of Rs.4500-7000 and the second Financial upgradation in the scale of Rs.5500-9000 under the Assured Career Progression Scheme introduced by the Government of India. According to him, similarly placed persons even in other skilled artisan category also have been granted such Financial upgradation. He submitted the Annexure A-1 representation dated 15.04.2005 pointing out the anomalies in his case. He has also submitted

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that the very object of providing the single post of Senior Fitter practically now work out against him and it is acting as a disincentive. He has therefore, requested to abolish the post of Senior Fitter in the pay scale of Rs.3200-4900 and to merge the said post with that of Fitter in the scale of Rs.3050-4590 and grant him the 1st Financial upgradation in the scale of Rs.4500-7000 and 2nd Financial upgradation in the scale of Rs.5500-9000 at par with his juniors who are working as Tool Room Assistants, Blacksmiths etc. as he had already completed 20 years of regular service. As an alternative, he has requested that the scale of pay of Senior Fitter may be revised to Rs.4500-7000, which is one of the grades allotted to the skilled artisan category. He has also submitted that the scale of pay of Rs.3200-4590 is not admissible in the skilled artisan category either on the recommendations of the 4th / 5th Central Pay commission or in any of the other Organisations of the Government of India.

2. Respondents vide the Annexure A-3 letter dated 31.10.2005 rejected his aforesaid request and held that he was not eligible for first level upgradation in the pay scale of Rs.4500-7000 and 2nd level upgradation in the pay scale of Rs.5500-9000 under the ACP Scheme. They have also submitted that the applicant was appointed as Diesel Mechanic, in CIFNET on 01.05.1980 in the pay scale of Rs. 260-350 (pre-revised) The post has been redesignated as Fitter w.e.f 10.02.1984. As per the existing and approved recruitment rules, the promotional channel for Fitter in the pay scale of Rs.3050-4590 (revised) is to the post of Sr.Fitter in the pay scale of Rs.3200-4900 (revised). The posts of Sr.Fitter, Sr.Welder and Sr. Electrician in the pay scale of Rs.3200-4590 were created on the recommendations of Internal Work Study Unit during 1983 in due consideration of the work load before implementation of the ACP Scheme. Further, they have submitted that the applicant was offered the next higher post in the hierarchy, of Sr. Fitter in 1993 but he refused to accept the same. The ACP granted to him was objected to by the Audit authorities on the ground that



he is not entitled for ACP as he had refused promotion prior to introduction of the ACP Scheme.

3. Counsel for respondents during the pendency of the OA has produced MA-1 letter No. 3-21/2008-Fy(Admn) dated 12.12.2008 issued by the Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries, New Delhi to the Director, CIFNET, Kochi. According to the said letter the Government down graded the post of Senior Fitter, Senior Welder, Senior Carpenter and Senior Electrician in the pay scale of Rs.3200-4900 (pre-revised) to the post of Fitter, Welder, Carpenter and Marine Electrician in the pay scale of Rs.3050-4590 (pre-revised). The present incumbent of the posts of Senior Fitter, Senior Welder, Senior Carpenter and Senior Electrician, however, are allowed to continue in the pay scale of Rs.3200-4900 (pre-revised) as personal to them and in the event of the post being vacated, the same will be merged with the post of Fitter, Welder, Carpenter or Marine Electrician, as the case may be.

4. We have heard Mr.Mohan kumar on behalf of Mr TCG Swamy, learned counsel for applicant and Ms.Jisha on behalf of Mr.TPM Ibrahim Khan, SCGSC, the learned Senior Standing Counsel. With the issuance of the aforesaid MA-1 order dated 12.12.2008 the post of Senior Fitter is no more in existence and it has been merged with Fitter. Therefore, the next promotion of the applicant is to the post of Mechanical Supervisor in the scale of pay of Rs.4500-7000 and Foreman in the scale of Rs. 5500-9000.

5. In the above facts and circumstances of the case, the counsel for applicant has agreed to file a fresh representation to the respondents seeking the 1st and 2nd financial upgradation in the scale of pay of Rs.4500-7000 and Foreman in the scale of Rs. 5500-9000 respectively. Counsel for respondents



have no objection to the aforesaid course of action. We therefore, direct the applicant to make a detailed representation indicating the aforesaid position. On receipt of such a representation, Respondent No.1 shall consider and dispose of the same with a reasoned and speaking order, within a period of three months.

6. With the aforesaid directions, this OA is disposed of. There shall be no order as to costs.

Dated, the 29th April, 2009.


K. NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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