

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

O.A. NOS. 98/1987; 99/1987 & 100/1987

Shri Vidyadhar Vasudeo Koshe
Koshe Wade
Shivaji Road
Panvel

Applicant in OA No.98/87

Shri Srikant D Joshi
Shivaji Road
Joshi Chawl
Prabhu Ali
Panvel

Applicant in OA No.99/87

Shri Sudhakar Vetel Shinde
NAD Colony
462 post NAD Karanja
Tal. Uran
Dist. Raigad

Applicant in OA No.100/87

V/s

1. Union of India
through the Secretary
Ministry of Defence
Government of India
New Delhi
2. The Chief Engineer
Military Engineering Services
Bombay Zone
Colaba
Bombay 400005
3. Commander Works Engineer
Naval Works; M.E.S.
Bombay 400005
4. Garrison Engineer
M.E.S. Office of G.E.,
Karanja
Post NAD; Karanja
Dist. Raigad 400 704

Respondents in
above 3 applications

Coram : Hon'ble Vice Chairman B C Gadgil
Hon'ble Member(A) P S Chaudhuri

Appearance:

Shri V K Pradhan
Advocate
for the applicants

Shri S R Atre
(for Shri P M Pradhan)
Counsel
for the respondents

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These three matters can be decided by a common judgment. In order to understand the dispute between the parties we would be referring to the facts in OA No. 100/87. The applicant Shri S V Shinde joined the Military Engineering Service (MES) as Switch Board Attendant in the pay scale of Rs. 210-290. The scales of pay of the industrial workers of the MES has been changed/alterd by bifurcating them into five scales of pay. Initially an order to that effect was passed on 16th October 1981 vide Annexure R-1 to the respondent's reply. However, there were certain other modifications and a final order was passed on 11.5.1983 vide Annexure R-2 to the respondent's reply. However, it is material to note that these orders of 1983 are made effective from 16th October 1981 and these orders also superseded all the other orders including the order dated 16th October 1981. The net result of this restructuring of pay scale is that five scales were created viz.,

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|--------------------------|------------|
| i) Unskilled | Rs.196-232 |
| ii) Semiskilled | Rs.210-290 |
| iii) Skilled | Rs.260-400 |
| iv) Highly skilled Gr.II | Rs.330-480 |
| v) Highly skilled Gr.I | Rs.380-560 |

Under the scheme the pay scale of Switch Board Attendants which was Rs.210-290 was revised to Rs.260-400 (i.e., skilled category). The scheme further provides that certain number of these employees in the Skilled category would automatically be placed in the Highly Skilled Gr.II category (Rs.330-480).

2. We have already observed that this scheme as finalised in 1983 was made effective from 16.10.1981. However, the applicant was promoted as an Electrician with effect from 22.12.1982 and that post carried a pay scale of Rs. 260-400. The applicant's contention is that the cadre of Electricians has posts in two scales of pay, viz., Electrician in the pay scale of Rs.260-400 and Charge Electrician in the pay scale of

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Rs.380-560. The applicant further contends that had he remained as a Switch Board Attendant he would have been placed in the Highly Skilled Gr.II category in the pay scale of Rs.330-480. It is his contention that since, however, he was promoted as an Electrician from 22.2.1982 and since the cadre of Electrician has no posts in the scale of Rs.330-480 he should, therefore, be placed as Charge Electrician in the higher scale of Rs.380-560.

3. The application is opposed by the respondents on various grounds. In a nut shell, the respondents state that the claim made by the applicants is not legal and proper.

4. It is not necessary to state the facts in the remaining two applications as they are practically similar. The appointments of the applicants in these two matters as Switch Board Attendant are dated 1.1.1974 and their promotion as Electrician were also on 22.12.1982.

5. We are not able to understand the contention of the respondents that the upgradation scheme of 1983 should not be made applicable to the applicants on account of the applicant's promotion in 1982 as Electrician. What is important is that the scheme is made effective from 16th October 1981. We have, therefore, to find out the rights of the applicants as were available to them on 16.10.1981. It is true that the applicants were promoted as Electrician in 1982 in the scale of Rs.260-400. However, that promotion will have to be ignored if the upgradation scheme has to be implemented in a correct manner. Thus the applicants will be placed in the skilled category of Switch Board Attendant in the pay scale of Rs.260-400 with effect from 16.10.1981.

6. The applicants further contend that on account of their seniority in the Switch Board Attendant cadre

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they are entitled to a further placement as Switch Board Attendant Highly Skilled Gr.II in the pay scale of Rs.330-480. The respondents do not admit this position. However, this further promotion will be dependent upon the seniority of the applicant and it will be just and proper if we direct the respondents to promote the applicants as Highly Skilled Gr-II in the cadre of Switch Board Attendant according to their seniority.

7. Mr. Pradhan argued that the promotion of the applicant on 22.12.1982 as Electrician should not be ignored and that the said promotion should be taken into account and the applicant should be placed in Highly Skilled Gr.I (Rs.380-560). We are not impressed by this submission in as much as the applicants have been promoted in 1982 as Electricians in the scale of Rs.260-400 and if the placement of the applicants in the category of Switch Board Attendants is to be made effective from 16.10.1981 the subsequent promotion as Electrician with effect from 22.12.1982 will not be of any use to the applicant for claiming any further relief. Of course we must hasten to add that the applicants would be entitled to the Highly skilled gr-II of Rs. 330-480 as Switch Board Attendants in case they are entitled to be considered for such promotion under the rules.

8. In view of the above discussions, we pass the following order:

ORDER

The Original Applications Nos. 98/87; 99/87 and 100/87 are partly allowed.

The applicants have already been fitted in the scale of Rs.260-400 in the Skilled category of Switch Board Attendant with effect from 16.10.1981.

Respondents are directed to consider and decide as to whether the applicants are further entitled to be placed in Highly Skilled Gr.II in the Switch Board

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Attendants category in the pay scale of Rs.330-480 on the basis of their seniority as envisaged by the restructuring scheme vide Annexure-R2. If they are so entitled the incidental orders regarding the payment of arrears and salary will have to be passed by the respondents. These directions should be complied expeditiously, within a period of two months from the date of receipt of this order.

Parties to bear their own costs.

P. S. Chaudhuri
(PS Chaudhuri)
Member(A)

B C Gadgil
(B C Gadgil)
Vice Chairman

Contempt Petition
No. 17/89. (at
Flag 'A') filed
on 7/4/89.

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13/3/89