

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

ORIGINAL APPLICATION NOS. 463/87 & 464/87.

Shri Babla Kashinath Chavan,
 At Uran, Kot Naka,
 Post: Uran, Tal: Uran,
 Dist: Raigad.

... Applicant in
 O.A.No.463/87.

Shri Jivan Rama Madhavi,
 At Ulva, Post: Ulva,
 Taluka: Panvel,
 Dist: Raigad.

... Applicant in
 O.A.No.464/87.

V/s.

Union of India, through
 Ministry of Defence,
 New Delhi - 11

AND 3 OTHERS.

... Respondents.

Coram: Hon'ble Member(A), Shri J.G.Rajadhyaksha
 Hon'ble Member(J), Shri M.B.Mujumdar

TRIBUNAL'S ORDER:

Date : 21.10.1987

By our orders dated 31.07.1987 we had rejected the prayer for interim relief made by the applicants. We had further directed the respondents to make payment to the applicants for the posts to which they had been reverted. We are told by the applicants' advocate Mr. C.S.Thakore that the applicants have not accepted the payment though it is being offered by the respondents. The applicants have subsequently filed Misc.Petition No.357/87 (in O.A.No.463/87) and Misc.Petition No.358/87 (in O.A.No.464/87) reiterating their prayers for interim relief. These are resisted by Respondents saying that interim relief as alleged in the Miscellaneous Petition had not been granted at all.

2. We have heard the advocates for both the sides and perused the relevant documents. The documents show that the applicants were appointed as Fitters in the scale

of Rs.260-400 from September,1983. By an order dtd. 14.07.1986 both were upgraded to the posts of Fitters Highly Skilled Gr.II in the scale of Rs.330-480 with retrospective effect from 15.10.1984. However, this ^{to be} upgradation was subsequently found/ improper because the applicants had not worked for three years as Fitters. The mistake was subsequently corrected and the applicants were informed accordingly. As the respondents are now trying to make the recoveries of excess payments the applicants have requested for an interim relief by way of restraining the respondents from making the recovery.

3. The Office Memorandum dtd. 19.04.85 shows that only a Skilled Tradesman with three years service is entitled to be promoted to Highly Skilled Gr.II subject to passing of Trade Tests to be laid down for respective trades. We are informed that no such Trade Test has been held so far. But the applicants had not completed 3 years' service as Fitters on 15.10.84 and hence their promotions as Fitters Highly Skilled Grade II were contrary to this provision.

4. We, therefore, find no merit in the prayer of the applicants for stopping the recovery. As already pointed out we have already passed an order on 31.07.1987 rejecting the interim relief as prayed for by the applicants. After considering the question again we feel that the applicants are not entitled to claim any further interim relief. Misc. Petitions Nos.357/87 and 358/87 are, therefore, rejected and disposed of accordingly.

5. We fix the cases on 27.11.1987 for reply of the respondents and directions.

sd/-

(M.B.MUJUMDAR)
MEMBER(J)

sd/-

(J.G.RAJADHYAKSHA)
MEMBER(A)