

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

OA 487/96

2nd day of August -

MUMBAI : this the 1st day of July, 2001

Hon'ble Shri S.L.Jain, Member (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

1. S/Shri S.M.Akhtar
Chargeman, Gr. II
Vehicle Research and Development
Establishment, Vahan Nagar, Arangaon
Ahmednagar - 414006.
2. S.C.Srivastava
Chargeman, Gr. II
Vehicle Research and Development
Establishment
Ahmednagar - 414006.
3. Dinesh Kumar
Chargeman, Gr. II
Vehicle Research and Development
Establishment
Ahmednagar - 414006.
4. V.P. Kapgate
Chargeman, Gr. II
Vehicle Research and Development
Establishment
Ahmednagar - 414006.
5. D.D. Dhawale
Chargeman, Gr. II
Vehicle Research and Development
Establishment
Ahmednagar - 414006.

(By Advocate Shri B. Datamoorthy) Applicants

Y E R S U S

1. Union of India : Through
Secretary
Ministry of Defence
Sena Bhawan
New Delhi - 110 011.
2. The Scientific Advisor to
Defence Minister and Director
General Research & Development Organisation
Sena Bhawan, 'B' Wing
New Delhi - 110 011.
3. Director,
Vehicle Research & Development Establishment
Vahan Nagar, Arangaon
Ahmednagar - 414006.

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4. Shri V.K. Pardeshi
Forman (Now Technical-Officer-A)
Vehicle Research & Development Establishment
Vahan Nagar, Arangaon
Ahmednagar - 414006.
5. Shri V.K. Dhadge
Chargeman, Gr.I (Now Sr.Tech. Asstt.)
Vehicle Research & Development Establishment
Vahan Nagar, Arangaon
Ahmednagar - 414006.
6. Shri S.C. Corwara
Chargeman, Gr.I (Now Sr.Tech. Asstt.)
Vehicle Research & Development Establishment
Vahan Nagar, Arangaon
Ahmednagar - 414006.
7. Shri S.B. Purohit
Chargeman, Gr.I (Now Sr.Tech. Asstt.)
Vehicle Research & Development Establishment
Vahan Nagar, Arangaon
Ahmednagar - 414006. Respondents

(By Advocate Shri R.K. Shetty through
Shri R.R. Shetty)

O R D E R

BY HON'BLE SHRI GOVINDAN S. TAMPI,

Shri S.M. Akhtar and four others have come up in this OA challenging the promotion granted to four Precision Mechanics, which according to them, who shutting out the promotional avenues for the applicants.

2. The applicants were represented by Shri Datamoorthy, learned counsel and respondents by Shri R.R. Shetty, learned proxy counsel.

3. All the four applicants hold 3 years Diploma in Engineering. Applicant No.1 was appointed as Supervisor Technical Gr.III in the pay scale of Rs.380-560/- on 15.10.1977, with the respondents. The post was re-designated as Supervisor Technical vide SRO-356 dated 06.12.1979. He became a Chargeman Gr.II in the scale of Rs. 425-700/- with effect from

23.04.1982, under direct recruitment quota. The other four applicants joined as Supervisor Technical in 1981 and 83. Both Supervisor Technical Gr.III and Gr.II were given common pay scale of Rs. 380-560/- in terms of the IIInd Pay Commission's Recommendations. Subsequently, Supervisor Technical Gr.II was granted the higher pay of Rs. 425-700/- on 11.04.1994 but with effect from 01.01.1973 and re-designated as Chargeman Gr.II on 12.12.1979. Technical Supervisors and Chargeman Gr.II were given the identical grade of Rs.1400-2300/- by IVth Pay Commission and all the posts were re-designated as Chargeman Gr. II on 31.07.1987. There were six (6) groups of industrial staff, working under Supervisor Technical which included Precision Mechanics also. These Precision Mechanics were re-named as Tradesman "A". They were granted the pay scale of Rs. 1320-2040/- as Tradesman "A" lower than the grade of Supervisor Technical of Rs. 1400-2300/-. Subsequently, by SRO/213 dated 26.06.1968, Precision Mechanics were made eligible to be promoted to Chargeman Gr.II to the extent of 25% vacancies, whereas remaining 75% was to be from Supervisor Technical. Subsequently, direct recruitment of 33% was reduced to 20% and promotion was to be provided in equal proportion between Supervisors Technical and Tradesman "A", subject to the latter passing trade test. "Precision Mechanics" were given the scale of Rs. 380-560/- by the III Pay Commission, those who were holding the post as on 31.12.1972, were given the higher pay scale of Rs.425-700/-. This was extended to all others also holding the post, as some of them approached the Hyderabad Bench of the Tribunal in TA 156/86, which

was allowed. Precision Mechanics working in various other Laboratories were given the higher grade, but not those in the instant institute. The four applicants case was considered and they were given the higher grade w.e.f. 01.03.1977. The applicants knowing about the above, represented on 24.05.1989 seeking up-gradation of the scale of Chargeman Gr.II and they were informed that the matter was under consideration. Later on learning about the move to promote Precision Mechanics as of Chargeman Gr. I, the applicants represented against the same on 29.07.1993. It has not been decided upon. However, based on the decision of the CAT, Bangalore Bench in OA 600/91, 245/92, 128/93 & 179 to 202/93, DRDO issued instructions that Precision Mechanics who were in the pay scale of Rs.425-700/- on 12.09.1981, be considered for promotion to Chargeman Gr.I, for the vacancies that arose between 12.09.1981 and 28.01.1992. Consequently, four Precision Mechanics, who are the private respondents, were promoted. Though the promotions were to be ordered as Chargeman Gr.I for the vacancies which arose between September, 1981 to January, 1992, they have been promoted against the lower posts, showing that there were no vacancies. This was improper and incorrect. Since the applicants have been holding higher post and discharging higher responsibilities, they should have been granted higher pay. Precision Mechanics, who have risen from the rank of Mechanisit/Filter have been given the higher scale of Rs.425-700/-, by-passing ^{the} intermediate stages. This was a wrong adjustment. Further, the respondents had become Chargemen Gr.II between 1989 and 1994 and ~~were~~ thus junior to the applicants.

Promotion to Chargeman Gr.I is from Chargeman Gr.II with 3 years regular service. Even after amending Recruitment Rules making Precision Mechanics in the scale of Rs. 425-700/- with three years regular service, eligible for promotion as Chargeman Gr.I , all the applicants - Chargeman II, are senior to the four Precision Mechanics. Still the Department had granted proforma promotions to the four Precision Mechanics, which have come in the way of the legitimate aspiration for promotion of the applicants, which was wholly arbitrary and unreasonable. Detailed representations filed by them against the above promotion has been replied on 15.11.1995, but not in any satisfactory manner, according to the applicants.

4. The main grounds raised by the applicants are that :

- (a) they were diploma holding Engineers directly recruited as Supervisor Technical and were overseeing among others, the work of Precision Mechanics and discharging higher responsibilities.
- (b) industrial staff including Precision Mechanics were always holding lower scale of pay than Supervisor Technical/Chargeman Gr.II.

(c) Next promotion for Precision Mechanic being Chargemen II, merely because of the decision of CAT, Hyderabad, being cannot be placed at any higher pedestal.

(d) education qualification of a Precision Mechanic was only ITI Certificate while the applicants are Diploma holding Engineers.

(e) promotions granted to the private respondents and against the presumption of the Bangalore Bench of the Tribunal.

(f) applicants have to wait for long for promotion, while the respondents, their erstwhile subordinates have been given promotion, that too in a retrospective manner.

(g) no regular seniority list has been prepared/notified and the promotion of private respondents have effectively sealed down/extinguished their chances of promotion.

In view of the above the reliefs sought are :

(1) grant of a higher pay scale to the applicant *and*

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(2) Preparation of a Combined Seniority List and convening of a review DPC for considering the case of applicant as Chargeman I.

5. Hotly contesting the above pleadings, the respondents aver that the demand made by the applicant for grant of retrospective revision in their scale of pay was absurd and stale. While the applicants call for the adoption of a "rational and objective principle of promotion", they had not illustrated as to what constituted the same. The promotion of Precision Mechanics/Chargeman Gr.II under challenge have been ordered in accordance with statutory rules (SRO-246/81) read with direction of the Bangalore and Hyderabad Benches of the Tribunal in a number of applications and, therefore, the promotions already made are legal, objective and rational. The decisions of the two Benches of the Tribunal have become final and cannot now be called ^{in A} any question. The applicants' plea for combined seniority list to facilitate their promotional scale cannot be endorsed as promotion was not a matter of right but only an incidence of service, as has been laid down in a number of judgements including that of Palur (1989-II-LLJ-Page-47). Private respondents 4-7, were appointed as Precision Mechanics, during 1977 & 1979, and were to be considered for promotion to the post of Chargeman Gr.I in terms of the directions of CAT, Hyderabad & Bangalore Benches from their dates of appointment. On the other hand the applicants were promoted as Chargemen Gr.II only in 1982 & 1986 and as such they are juniors to the private respondents. All Technical Supervisors who were in position on

01.01.1996 were re-designated as Chargeman Gr.II were placed enbloc junior to Chargeman Gr.II already in position. The promotions of Precision Mechanics who were in the pay scale of Rs. 425-700/- prior to 22.08.1981 were made in accordance with the instructions of the Govt. of India, Ministry of Defence, issued on 11.04.1994. Though there were no vacancies to adjust the Precision Mechanics to Chargeman Gr. I, it was decided to adjust them as a class in the higher grade against lower grades of Tradesman 'a' or whatever the posts held by them at the time of review. It was also directed that the vacancies being released by the Precision Mechanics on their promotion will revert as Tradesman 'A'. Promotions are being ordered in terms of Recruitment Rules, which are statutory in nature. Precision Mechanics were also eligible for consideration for promotion to the post of Chargeman Gr.I and in terms of the decision of the Bangalore Bench in OA 600/91, they were combined with Chargemen II for promotion to Gr. I. DRDO Headquarters directed on 11.04.1994 for making a combined seniority list in terms of which all Chargeman Gr. II on 15.12.1979, were to be senior to Technical Supervisor re-designated as Chargeman-II. Similarly, all Chargeman II on 12.09.1981, were to be senior to Precision Mechanics but their eligibility was to count from the date they were placed on Rs. 425-700/- i.e. 01.03.1977 or the date on which they were promoted to the said scale, whichever was later. Seniority list prepared accordingly has also been acknowledged by three of the applicants. The charge that the promotions have been ordered incorrectly is wrong. The promotions had been made in accordance with the Recruitment Rules, and the guide-lines issued to implement CAT, Bangalore Bench decision. Even, while giving effect to the above, the applicants have not been hurt as all the four Precision Mechanics were senior to the applicants and hence review DPC had acted correctly.

6. Originally the post of Precision Mechanics and Technical Supervisor were in the same grade and eligible for promotion as Chargeman Gr. II. However, on 01.03.1977, the pay scale of Technical Supervisor Gr. II was revised to Rs.425-200/- redesignating them as Chargeman Gr. II, making them eligible for promotion as Chargeman Gr. I. By amendment of Recruitment Rules, on the basis of CAT, Bangalore Bench order in OA No. 324/88,, Pay scale of Rs. 425-700/- was granted to the persons holding the post of Precision Mechanics as on 31.12.1972, also w.e.f. 01.03.1977, by DRDO's letter dated 13.04.1981. Following the decision of the Hyderabad Bench of the Tribunal in TA 156/1986, all the Precision Mechanics were granted the revised scale. Bangalore Bench of the Tribunal while disposing a few OAs not only gave the scale but also directed the preparation of a combined seniority list of Precision Mechanic and Chargeman Gr.II to make promotions to the post of Chargeman Gr.I from 1981-92. Review DPCs were accordingly held. The applicants' plea that the promotion of the Precision Mechanics to the grade of Chargeman Gr.I was illegal cannot be accepted. It is also not correct to state that Precision Mechanics

were less qualified than Technical Supervisors as their minimum educational qualifications were similar. It is not denied that the applicants are also entitled to be promoted as Chargeman Gr.I, but in this instance they could not be promoted, as Precision Mechanics were senior to them in the combined seniority list. As the promotion of the Precision Mechanics has been ordered in accordance with the guidelines issued by DRDO and in tune with the decisions of the CAT Bangalore and Hyderabad Benches, the same cannot be assailed, aver the respondents.

7. During the oral submissions S/Shri Datamoorthy and Ravi R. Shetty, learned counsel, very vigourously canvassed their pleas for the rival parties. Reiterating his written pleas, Sh. Dattamoorthy states that as the Precision Mechanics were earlier working as subordinate industrial staff, under the direction of the Technical supervisors, equating them with the latter and giving them opportunity to go above their erstwhile senior/supervisors was improper and incorrect. On the other hand, according to Sh. Ravi Shetty, the decision for equating Precision Mechanics with Chargeman, was a policy decision adopted by the Govt. which cannot be assailed by the Tribunal. Besides, the promotions have been ordered in pursuance of the decision of Bangalore Bench in. R. Ambalagan case, and the same has to be endorsed. He further states, Mumbai Bench of the Tribunal has also accepted the above view and therefore, following the same view, this application should be dismissed.

8. We have carefully considered the matter and also perused the papers brought on record. The short point for determination in this OA is the legality of granting promotion to Precision Mechanics alongwith Chargeman.II to the grade Chargeman. Gr.I. While the applicants feel that this was an irregular move as Precision Mechanics were subordinate to Technical Supervisors, redesignated as Chargeman.II, the respondents plead that the same arose on a policy decision following orders of the Tribunal and the same was, therefore, not open to challenge.

9. We observe that originally both Precision Mechanics and Supervisors Technical were in the same scale of pay, but the position was changed w.e.f. 01.03.1977 when the pay scale of supervisor Technical was raised to Rs. 425-700/- and the post was redesignated as Chargeman.II, though the pay scale of Precision Mechanics was not upgraded or the post upgraded, those in position on 31.12.1972 alone were given the scale of Rs.425-700/-. This led to the filing of W.P. No. 10609/84, which became T.A. No. 156/86, which was decided by the Hyderabad Bench of the Tribunal on 10.11.1986 extending the benefit of higher scale to all who became Precision Mechanics before 03.06.1980. They also therefore, became eligible for promotion as Chargeman Gr.I. Their right for promotion was upheld by the decision dated 06.04.1993, passed by the Bangalore Bench of the Tribunal in OA No. 600/1999, filed by R. Anbalagan and 25 others. Relevant portion of the said order reads as below :-

"We have considered the matter carefully. It is not in dispute that the relevant RRs after promulgation of SRO 246/81 dated 29.08.1981 published in the Gazette of 12.09.1981 made Precision Mechanics in the scale of Rs.425-700 with 3 years regular service in the grade eligible for promotion directly as Chargeman Gr.I. It does not make a distinction between those who were in position as on 31.12.1972 and those who joined/were promoted as precision Mechanics from 01.01.1973 onwards. It is true that the scale of pay of Precision Mechanics who joined as such after 31.12.72 was initially fixed at Rs. 380-560/- but admittedly, on the basis of the orders of the CAT, Hyderabad Bench & Bangalore Bench, it got revised to Rs. 425-700/-. It is an admitted fact that the applicants were holding regular posts as Precision Mechanics and also enjoying the scale of Rs. 425-700/-. The contention that promoting them on a regular basis as Chargeman Gr. I and above would vest them with unintended benefit as compared to other industrial personnel i.e. other group 'A' Tradesman cannot be sustained when the RRs which are statutory in nature give Precision Mechanics a right to be considered for promotion to the level of Chargeman Gr. I on completion of three years of service vide SRO-246/81 dated 29.08.1981 published in the Gazette on 12.09.1981 It is also not possible to agree with the view that there is a clear distinction apropos the Precision Mechanics referred to in the above said SRO and the case of the applicants. The applicants despite becoming Precision Mechanics after 1.1.73 were given the scale of Rs. 425-700 and their case cannot be distinguished from that of Precision Mechanics who were in position as on 31.12.72 in the same scale. Nor is it possible to agree with the stand that the pay scale and the avenue of promotion was personal to individuals who are on position as on 31.12.72 and not the Precision Mechanics as a class. As regards reference to SRO 221 of 22.8.81 which merged all Tradesman in the scale of Rs. 380-560 as a single category to be re-designated as Tradesman-'A', it is pertinent to mention that the amendment to the RRs which made Precision Mechanics in the scale of Rs. 425-700 eligible for promotion as Chargeman Gr. I after three years of regular service as Precision Mechanics was done by SRO 246/81 dated 29.8.81 published in the Gazette on 12.9.81.

8. The additional reply of the respondents filed on 29.7.92 has brought out the fact that w.e.f. 28th January, 1992, the Precision Mechanics are no longer eligible for promotion as chargeman Gr.I. We would at this juncture refer to the decision of the Supreme Court in the case of Y.V. RANGAIAH AND OTHERS VS STATE OF ANDHRA PRADESH AND ANOTHER as also that of STATE OF ANDHRA PRADESH & ANOTHER VS J.

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where the apex court has held that where the rules are amended to the disadvantage of any category, the vacancies that occurred prior to the amendment of the rules should be governed by the old rules and not by the new rules. In the present case, SRO 246/81 dated 29.8.81 got amended after more than 10 years by SRO 15/92 dated 28.1.92 deleting the eligibility of Precision Mechanics in the scale of Rs. 425-700 with 3 years experience for being considered for higher level of chargeman Gr. I.

9. We would also like to mention that the Defence Research & Development Organisation has not been following a consistent stand in respect of these cases. We find that there are similar cases covered by A. Nos. 293 to 300/90 where also the issue is the date of promotion of Precision Mechanics to Chargeman Gr. I. In their reply statement dated 28.11.90 the Department in para 4 had stated that consequent on the orders of the C.A.T. Hyderabad Bench and also the subsequent decision of Bangalore Bench, a review DPC was convened on 11th September, 1989, and the applicants in that case were promoted to the level of Chargeman Gr. I and higher levels on the basis of the recommendations of such a review DPC. The fact that the Department had convened a review DPC in similar cases pertaining to Electronic Radar Development Establishment which is also under the Defence and Research Organisation and is governed as well by the same set of rules cannot be brushed aside while considering the present case.

10. In the light of the position expounded as above and in consonance with the desision of the Supreme Court referred to supra, we direct that the Department should convene a review DPC as per the orders then in force and consider the suitability of the applicants for regular appointment as Chargeman Gr. I and above with effect from the date they became eligible on the lines of the action taken in similarly situation cases in LRDE of Defence and Research Development Organisation, Bangalore. In the absence of separate quotas for the industrial and non-industrial (Technical) categories, there is need for preparation of a combined seniority list of both the categories. Such a seniority list should be prepared on the basis of rational and objective principles for promotion to the level of Chargeman Gr. I and above in respect of vacancies which arose prior to 28.1.92 and which will be available after 12.9.81 to Precision Mechanics in the scale of Rs. 425-700 with three years service. No costs. //

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The above has been reiterated by the same Bench on 13.07.1993 in OA No. 245/1992, filed by Shri M. Subharayulu and anr. and on 27.08.1993 in OA No. 128/1993 as well as OA No. 179 to 202/1993 filed by S.K. Srinivasan & ors.

10. Following the above, Ministry of Defence, Deptt. of Defence R&D had issued instructions under their letter No.16490/RD/Pers-1/741/D(R&D) dated 11-4-1994, which is reproduced as below :-

"The undersigned is directed to state that with the issue of SRO No.221 of 81, published on 22-8-1981 the Government decided to treat all Precision Mechanics who were in existence and in the pay scale of Rs. 380-560/- (pre-revised) on the date of publication of the said SRO as Tradesmen 'A' for all practical purposes.

2. The above decision was challenged by a section of Precision Mechanics of Defence Research & Development Organisation in Central Administrative Tribunal, Hyderabad and Bangalore Bench and the Tribunal granted the pay scale of Rs. 425-700/- (pre-revised). Even though the Tribunal granted the higher scale of Rs. 425-700/- (pre-revised) to Precision Mechanics, it was treated personal to them and they were continued to be treated as Tradesman 'A' for all purposes and SRO 15/92 dated 28-1-1992 was issued wherein Chargeman Grade II only were made eligible to Chargemen Grade I thereby deleting the eligibility of Precision Mechanics for promotion to Chargemen Grade I as provided in SRO 246/81. This decision was challenged in OA No. 600/91, 245/92 and 128 & 179 to 202/93 before Central Administrative Tribunal, Bangalore Bench. The Hon'ble Bangalore Bench upheld the plea of the applicants and held that the Precision Mechanics who were in the pay scale of Rs. 425-700/- prior to 28-1-1992 are eligible for promotion to the post of Chargeman Grade I and above as per SRO then in force and further directed the department to promote them notionally as per SRO No.246 of 81, published on 12-9-1981 for vacancies that arose between September 1981 to January 1992. The payment of financial benefits following from the decision will, however, be paid with effect from 28-1-1990 i.e., three years prior to filing of the OA No. 128 & 179 to 202/1993.

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3. The question of implementing the judgement of Central Administrative Tribunal, Bangalore Bench to the applicants and to extend the benefit to the similarly placed Precision Mechanics in Defence Research & Development Organisation as on 12 September, 1981 has been under consideration of Government. President is now pleased to decide that the Precision Mechanics as were in the pay scale of Rs. 425-700/- (pre-revised) on 12 September, 1981 will be considered for promotion to Chargemen Grade I and above, if found suitable and they will reckon their seniority on proforma promotion basis between 12 September, 1981 and 28 January, 1992 as per SRO 246/1981. The financial benefits of arrears of pay and allowances will, however, be granted with effect from 28-1-1990 as per CAT, Bangalore Bench judgement in OA Nos. 128, 179 to 202/93.

4. The vacancies released by the Precision Mechanics on their promotion will not be filled up and will revert back to the grade of Tradesman 'A' as and when they are adjusted against authorised strength.

5. This issues with the concurrence of Finance Branch vide their UO No. 101/Addl FA (R)/94 dated 8-2-1994."

Further directions also issued on the same date *issued* *ready* as under :-

Reference Govt. of India, Ministry of Defence letter No.16490/RD/Pers-1/741/D (R&D) dated 11 April, 1994 (enclosed).

2. Govt. orders have been *issued* to implement the Hon'ble CAT, Bangalore Bench judgement in OA Nos. 600/91 filed by Shri R.Anbalagan and others, 245/92 filed by Shri M.Subbarayalu and another, 128 & 179 to 202/93 filed by Shri K.Srinivasan and others, vide Govt. letter under reference.

3. In order to implement the above judgement a combined eligibility list may please be prepared in the following manner and review DPCs be conducted on that basis :-

(a) All Chargemen Gr.II existing on 15-12-1979, i.e., the date of issue of SRO 356/79 by which the post of Technical Supervisor Grade II has been deleted from promotion to the grade of Chargeman Grade II, will rank enblock senior to Technical Supervisor Grade II redesignated as Chargeman Grade II.

(b) Following the same analogy as at (a) above, all the Chargeman Grade II existing on 12-9-1981, i.e., the date of publication of SRO 246/81 through which Precision Mechanics in the pay scale of Rs. 425-700/- (pre-revised) with three years' regular service in the grade were made eligible for promotion to the grade of Chargeman Grade I, will rank enblock senior to Precision Mechanics in the pay scale of Rs. 425-700/- (pre-revised). Their eligibility of the Precision Mechanics will, however, be counted from the date they were placed in the scale of Rs. 425-700/- (pre-revised) viz., 01-3-77 or the date they were promoted/appointed in the pay scale of Rs. 425-700/- (pre-revised), whichever is later.

(c) The seniority already fixed in respect of those Technical Supervisors Grade II whose seniority has been fixed based on the various CAT judgements should not be disturbed.

4. The above guidelines are issued in consultation with the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions.

11. It is obvious from the above that the orders of the Ministry dated 11-4-1994, giving the benefit to Precision Mechanics and placing them at par with Chargeman Gr.II and promoting them as Chargeman Gr.I through the review DPC, keeping in mind their position in combined seniority list was the logical corollary to the decisions of the Bangalore Bench of the Tribunal which has been adopted by the Govt. Even if at one time the Precision Mechanics were in the industrial staff unlike the Supervisors Technical, the Government's having accepted their importance and having also made them eligible for promotion as Chargeman Gr.I, the same would have to be endorsed.

12. It is further seen that a co-ordinate Bench of this Tribunal had an occasion to consider OA 765/97, 884/97, 885/97, 886/97 and 372/92 on similar issue and come to the conclusion that the arguments of the applicants that the Bangalore Bench's decision is

per in curiam being contrary to the statutory rules has no merit and also that the Precision Mechanics with three years of service were entitled to be promoted directly to the post of Chargeman Gr.I and that the reversion of the applicants who were other than Precision Mechanics was not illegal. Subsequently applicants in OA 371/92 filed a review petition wherein it was decided that the promotion of the Precision Mechanics will be depending on the number of vacancies and the seniority position etc.

13. Moreover as the validity of the Government Circular dated 11-4-1994 had been upheld by the Full Bench of the Tribunal in its order dated 19-12-1996 in OA 18/95, we have to fall in line. The same is also in tune with our findings recorded supra.

14. In the above view of the matter, it is evident that the decision of the respondents to grant the benefit of higher scale of Rs. 425-700/- (pre-revised) to Precision Mechanics and make them also eligible for drawing promotion to Chargemen Gr.I and to promote them so by the review DPC was in proper implementation of the Ministry of Defence' instructions No. 16490/RD/Pers-1/741/D (R&D) dated 11-4-1994 issued for *giving effect to implementing* the above decisions and is thus correct. While arriving at the above decision, we are in respectful agreement with the decisions of the Hyderabad and Bangalore Benches of the Tribunal as well as with that of this very Bench (Mumbai Bench) referred above. We follow the same. We are, therefore, convinced that the applicants have

not at all made out any case for our interference.
The same, therefore, fails and is accordingly
dismissed. No costs.

(GOVINDAN S. TAMPI)

MEMBER (A)

R.S.J. —

(S.L. JAIN)

MEMBER (J)

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