

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 28-10-87

APPLICATION NO 566 /87 (F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri S.M. Byanna

The Secy, M/o Agriculture & 3 Ors

To

1. Shri S.M. Byanna
Dairy Technology Section
National Dairy Research Institute
Adugodi Post
Bangalore - 560 030
2. Shri M.S. Ananda Ramu
Advocate
128, Cubbonpet Main Road
Bangalore - 560 002
3. The Secretary
Ministry of Agriculture
Krishi Bhavan
New Delhi - 110 001
4. The Director
National Dairy Research Institute
Karnal - 132 001
Haryana

5. The Head
National Dairy Research Institute
Southern Regional Station
Adugodi
Bangalore - 560 030
6. Shri Krishnaiah
Boiler Mechanic
National Dairy Research Institute
Southern Regional Station
Adugodi
Bangalore - 560 030
7. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/

~~XXXXXX ORDER~~ passed by this Tribunal in the above said application

on 21-10-87.

RECEIVED 6 Copies. 29/10/87

Diary No. 1357/CR/87

Issued Date: 30.10.87

Encl: as above.

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTYFIRST OCTOBER, 1987

Present: Hon'ble Shri P. Srinivasan

.... Member (A)

Hon'ble Shri Ch. Ramakrishna Rao

.... Member (J)

APPLICATION NO. 566/87

Shri S.M. Byanna
S/O. Shri Munimallappa
National Dairy Research Institute
Adugodi Post
Bangalore - 560 030

.... Applicant

(Shri M.S. Ananda Ramu, Advocate)

Vs.

1. The Union of India
represented by its
Secretary, Ministry of
Agriculture
New Delhi.
2. The Director
National Dairy Research Institute
Karnal - 132001. (Haryana)
3. The Head
National Dairy Research Institute
Southern Regional Station
Adugodi
Bangalore - 560 030.
4. Sri Krishnaiah, working as
Boiler Mechanic
National Dairy Research Institute
Southern Regional Station
Adugodi
Bangalore - 560 030.

.... Respondents

(Shri M. Vasudeva Rao, Advocate)

This application has come up for hearing
before this Tribunal today, Hon'ble Shri Ch. Ramakrishna
Rao, Member (J), made the following:

ORDER

In this application the prayer of the applicant
is that respondents 1 to 3 should be directed to issue an

....2/-

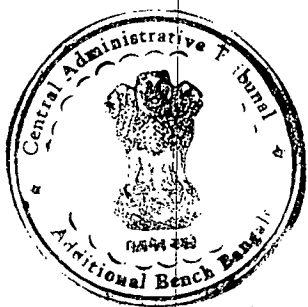


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order of promotion to the post of Technician (Boiler Mechanic) and to pay him salary on that basis retrospectively from 1981.

2. The learned counsel for the applicant submits that the applicant who was employed as a skilled labourer in the Research Institute from 1.5.1975 was promoted to the post of Attendant (Boiler Mechanic), Grade I in 1981 and assigned the duties of a Boiler Mechanic. The post of Boiler Mechanic carried a higher pay scale than that of an Attendant (Boiler Mechanic). On 27.5.1985 in response to the announcement made by the respondent 3, the applicant applied for the post of Technician (Boiler Mechanic). According to Smt. Ananda Ramu, the applicant passed the test. Respondent-3 had also submitted documents to the Inspector of Boilers in which the applicant is shown as working as Boiler Attendant. All he was not given the post of Boiler Mechanic as the pay scale attached to it. On the other hand, Shri. K. Krishnaiah, respondent no.4 had been appointed to that post though he did not have the necessary qualification.

3. The learned counsel for the respondent no.4 submits that respondent no.4 was appointed to the post of Technician (Boiler Mechanic) in the respondent 3's establishment as



Boiler Mechanic on 27.5.1985. Respondent no.4, in addition to being senior to the applicant had faired better than the applicant in the test securing a total of 74 marks as against 49 marks obtained by the applicant. That is why respondent no.4 was selected. In the statement given to the Inspector of Boilers, respondent no.4 was shown as Boiler Attendant and the applicant was shown as Reliever. Since there is only one Boiler in operation. This did not entitle the applicant to the pay of Boiler Mechanic.

4. After hearing counsel on both sides and considering the matter very carefully we are not satisfied that the applicant has a real grievance to agitate. We are not prepared to disbelieve the statement made by respondent 1 to 3 in their reply and reiterated by Shri Vasudeva Rao on their behalf that respondent no.4 had the requisite qualification for the post. We have perused the results of the test which have been signed by 5 senior officials and in which respondent no.4 obtained 74 marks as against 49 marks obtained by the applicant. The copy of the statements submitted to the Inspector of Boilers mentions that there was only one Boiler in operation and the required strength of Boiler Attendant was 2, one being Reliever. The name of respondent no.4 and the applicant are shown in the list. This does not automatically entitle the applicant to be put in the scale of the Boiler Attendant



or Boiler Mechanic. It has been explained on behalf of respondents 1 to 3 that the applicant was acting as Reliever and not as Boiler Attendant.

5. In view of all this we do not find any merit to the application. In the result the application is dismissed. Parties to bear their own cost.




Sd/-
MEMBER (A)

Sd/-
MEMBER (J)

mr.

- True copy.


DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE