

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated :

17 APR 1989

APPLICATION NO (S) 1948 to 1951 /88(F)

W.P. NO (S) _____

Applicant (s)

Respondent (s)

Shri V.M. Sasidharan & 3 Ors

V/s

The Scientific Adviser & DG, R&D,
M/o Defence, New Delhi & anr

To

1. Shri V.M. Sasidharan
Foreman
Electronics & Radar Development
Establishment (LRDE)
High Grounds
Bangalore - 560 001
2. Shri P.K. Balan
Foreman
Electronics & Radar Development
Establishment (LRDE)
High Grounds
Bangalore - 560 001
3. Shri V.K. George
Foreman
Electronics & Radar Development
Establishment (LRDE)
High Grounds
Bangalore - 560 001
4. Shri S. Jayakumar
Foreman
Electronics & Radar Development
Establishment (LRDE)
High Grounds
Bangalore - 560 001

5. Shri R.U. Goulay
Advocate
90/1, Post Office Road
II Block, Thyegarejanagar
Bangalore - 560 028
6. The Scientific Adviser to Raksha Mantri
& Director General Research & Development
Ministry of Defence
DHQ P.C.
New Delhi - 110 011
7. The Director
Electronics & Radar Development
Establishment (LRDE)
High Grounds
Bangalore - 560 001
8. Shri M.S. Padmrajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on 13-4-89.

485ued
K. M. M. M.
17-4-89

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.

DATED THIS THE THIRTEENTH DAY OF APRIL 1989.

Present: Hon'ble Shri P.Srinivasan

.. MEMBER(A)

APPLICATION NOS.1948 to 1951/88(F)

1.V.M.Sasidharan,
Foreman, L.R.D.E.,
High Grounds,
Bangalore 1.

2.P.K.Balan,
Foreman, L.R.D.E.,
High Grounds,
Bangalore 1.

3.V.K.George,
Foreman, L.R.D.E.,
High Grounds Bangalore 1.

4.S.Jayakumar,
Foreman, L.R.D.E.,
High Grounds,
Bangalore 1.

.. Applicants

(Shri R.U.Goulay .. Advocate)

vs.

1.The Scientific Adviser & Director
General, Research & Development
Organisation, M/D Defence,
D.M.O.P.O., New Delhi 11.

2. The Director,
L.R.D.E.,
High Grounds,
Bangalore 1.

Respondents

(Shri M.S.Padmarajaiah .. Advocate)

This application has come up today before this Tribunal
for Orders, Hon'ble Member (A) made the followings:

ORDER

These applications have come up before me for
disposal. Shri R.U.Goulay for the applicants and Shri M.S.Pad-
marajaiah for the respondents have been heard.

[Signature]



2. The four applicants before us along with one more, who were directly recruited as Chargemen I, filed applications No.803, 1797 to 1800/86 before this Tribunal challenging an amendment to the Recruitment Rules for appointment as Assistant Foreman. They contended that the said amendment affected them prejudicially and as a result thereof, persons junior to them had been given promotion to the post of Assistant Foreman in preference to them. Disposing of these applications by order 31.12.1986, a Bench of this Tribunal of which I was a party, struck down the amendment to the Recruitment Rules and directed the respondents therein to consider the case of the applicants for promotion to the post of Assistant Foreman without reference to the impugned amendment on the dates on which their juniors were so promoted. It was also directed in that order that if the applicants were, as a result, approved for promotion from a date earlier than the date on which they were actually promoted as Assistant Foreman, their pay in that post should be notionaly fixed from such earlier date and the actual benefits flowing therefrom, should be given to them from the date of their actual promotion to that post. In other words, no arrears were to be paid to them in the post of Assistant Foreman for the period prior to the date of their actual promotion to that post.

3. Both parties confirm that as a result of our order mentioned above, all the applicants were given notional promotion to posts of Assistant Foremen with effect from 15.9.1981, but were given menstary benefits flowing therefrom with effect from 15.3.1984 when they had been actually promoted to that post earlier. Again, as a result of our order and the consequent higher seniority obtained by the applicants in the grade of Assistant Foreman, they were considered for futher promotion to the still higher post of Foreman with effect from 15.9.1984 by a Departmental Promotion Committee (DPC) which met to review promotions made in the past.

P.S. 162

They were all approved for such promotion from 15.9.1984. They had not been actually promoted to the post of Foreman, when we passed the order dated 31.12.1986 in the earlier applications referred to above. The respondents, therefore, treated the applicants as having been actually promoted to the post of Foreman from 31.12.1986. The respondents say that as on 31.12.1986, the pay of the applications in the post of Foreman was fixed as if they had been promoted to that post from 15.9.1984 and this is not disputed by the applicants. The complaint in the applications, however, is that they should have been extended the actual benefit of pay in the higher post of Foreman from 15.9.1984 itself. According to the learned counsel for the applicants, not only was this not done, the pay of the applicants even in their earlier post of Assistant Foreman which had been re-fixed with effect from 15.3.1984 as a result of our earlier order was actually reduced from 15.9.1984 from Rs.795 to Rs.700 p.m. Counsel for the respondents instructed by Shri Prabhakar, an official of the respondents submitted that as a result of the notional promotion of the applicants to the post of Foreman with effect from that date viz 15.9.84, the pay which they had actually drawn in the post from 15.9.84 to 31.12.86 was left undisturbed.

4. After hearing both the parties and after taking into consideration the principle of the decision in the earlier applications, I feel that it would meet the ends of justice to pass the following orders:-



P. S. K.

- i) The pay of the applicants in the grade of Assistant Foreman should be fixed at Rs.750/-p.m. with effect from 15.3.1984 and they should be paid accordingly from that date till 31.12.1986 -including the period from 15.9.84 to 31.12.1986- with annual increments falling due each year.(the effect of them being on 1.9.1984)
- ii) Their pay in the higher grade of Foreman as on the date of their actual promotion to that post which admittedly was 31.12.1986 should be fixed as if they had been promoted to that post from 15.9.1984. On this account, no arrears will be paid upto 31.12.1986, but on and after 31.12.1986, they should be given full benefit of such fixation including increments from time to time thereafter.

5. The applications are disposed of on the above terms, leaving the parties to bear their own costs.

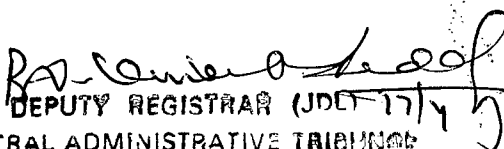
Sd/

MEMBER (A)

13/4/87

TRUE COPY

bk.


DEPUTY REGISTRAR (JUDGE)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

