REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 21 JUN 1988

APPLICATION NO.S 88 & 89 / 88(F)

W.P. NO. /

Applicant(s)

Shri K. Gopalan & another

To

V/s

Respondent(s)

The Scientific Adviser to Raksha Mantri,
M/o Defence, New Delhi & another

1. Shri K. Gopalan
   T.No. 182, Tradesman 'A'
   Machine Shop IV
   Gas Turbine Research Establishment(GTRE)
   Dr C.V. Raman Nagar
   Bangalore - 560 075

2. Shri K. Gopakumar
   T.No. 301, Trademan 'A'
   MBS I Division
   Gas Turbine Research Establishment(GTRE)
   Dr C.V. Raman Nagar
   Bangalore - 560 075

3. Shri G.S. Hegde
   Advocate
   181, Kilari Road
   Bangalore - 560 053

4. The Scientific Adviser to
   Raksha Mantri & Director General
   Research & Development
   Ministry of Defence
   DHQ P.O.
   New Delhi - 110 011

5. The Director
   Gas Turbine Research Establishment
   (GTRE)
   Dr C.V. Raman Nagar
   Bangalore - 560 075

6. Shri M. Vasudeva Rao
   Central Govt. Stng Counsel
   High Court Building
   Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY/INTERIM ORDER~~ passed by this Tribunal in the above said application(s) on 15-6-88.

Issued.
21-6-88

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE 15TH DAY OF JUNE, 1988

Present

Hon'ble Mr.Justice K.S.Puttaswamy ... Vice Chairman

Hon'ble Mr. L.H.A. Rego ... Member(A)

APPLICATION NOS. 88 & 89/1988

K.Gopalan, ... Applicant in Application No. 88/1988(F)
T.No. 182, Tradesman 'A'
Machine shop IV,
Gas Turbine Research Establishment,
Bangalore-75.

K.Gopakumar, ... Applicant in Application No. 89/1988(F)
T.No.301, Tradesman 'A'
MBS I Division,
Gas Turbine Research Establishment,
Bangalore-75.

(Shri C.S. Hegde, Advocate)

vs.

1. Union of India,
   Ministry of Defence
   by Scientific Adviser to
   Raksha Mantri, and
   Director General of
   Research & Development,
   South Block, New Delhi-11.

2. The Director,
   Gas Turbine Research Establishment,
   Dr.C.V.Raman Nagar,
   Bangalore-75. ... Respondents

(Shri M.Vasudeva Rao, Advocate)

The applications coming up for hearing this day, Hon'ble Vice Chairman made the following:

ORDER

In these applications made under section 19 of the Administrative Tribunals Act, 1985, the applicants have challenged order No.00 PT II No.82/8 dated 15-10-1985 (Annexure F) of the Director, Gas Turbine Research Establishment, Bangalore, (Director).

2. Prior to 1-4-1984 and 1-10-1983, the applicants in application Nos. 88 and 89/1988, were working as Tradesman 'A' in the Gas Turbine Research Establishment, Bangalore. On 1-10-1983 and 1-4-1984 the applicants were promoted as Master Craftsman on the basis of an option exercised by them to ~~have~~ forgo their promotions in their regular line of promotion open to them. From the dates of their respective promotions the applicants were working as Master Craftsman.

3. But as a bolt from the blue, the Director by his order dated 15-10-1985 (Annexure F) on the instructions of the Research and Development Headquarters, had reverted the applicants to the posts of Tradesman 'A' with effect from 30-9-1985. On receipt of this order, the applicants made representations before the Director and other higher officers who had not acceded to the same. Hence these applications.

4. In justification of their actions, the respondents have filed their reply.

5. Shri G.S.Hegde, learned counsel for the applicants, contends that since his clients had been promoted on a regular basis it was not open to the Director to revert them on the change of policy, as ruled by the Principal Bench of this Tribunal in SIRI RAM AND OTHERS vs SCIENTIFIC ADVISER TO THE RAKSHA MANTRI AND ANOTHER 1987 2 ADMINISTRATIVE TRIBUNALS CASES 340 Pages 340-344.

6. Shri M.Vasudeva Rao, learned Additional Senior Standing Counsel appearing for the respondents, sought to support the actions of the respondents.

7. The applicants had been promoted as Master Craftsman regularly is not disputed by the respondents.

8. In Siri Ram's case, this Tribunal examining this very question on similar facts as in these cases had found that those promoted on regular basis were not liable to be reverted on the later change of policy in the matter of promotions. We need hardly say that the principles enunciated in Siri Ram's case squarely governs the questions that arise in these cases and applying the same the impugned order against the applicants is liable to be quashed.

9. On and from 1-10-1985 the applicants have not been working as Master Craftsmen. We are not really concerned with the reasons for the same. When that is so, then it is proper for us to deny them the benefit of arrears of salary till todate only with all other benefits of service like notional fixation of pay, grant of increments, seniority, etc.

10. In the light of our above discussion, we make the following orders and directions:

(1) We allow these applications and quash the impugned order of the Director as against the applicants only.

(2) We deny only the arrears of salary due to the applicants from 10-10-1985 to this date. But notwithstanding this, we direct the respondents to extend all other benefits of service to the applicants from the date of their regular promotions as Master Craftsman.

11. Applications are disposed of on the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-
VICE CHAIRMAN 15/6/88

Sd/-
MEMBER(A) 15.6.88

DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE