

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 2 MAR 1994

APPLICATION NO(s) 852 of 1993.

APPLICANTS: B.Jayaraj v/s. RESPONDENTS: Secretary, Ministry of
Defence, N Delhi and Others.

TO.

1. Sri.A.S.Natarajan, Advocate,
No.25, Fourth-B-Street,
Chandni Chowk Road Cross,
Shivajinagar, Bangalore-51.
2. The Commanding Officer,
Station Workshop, Vidyut Va Yantrik, Inginiyari
Station Workshop Type-M, Agram Post, Bangalore-560007.
3. Sri.M.s.Padmarajaiah, Central Govt. Stng. Counsel,
High Court Building, Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 25-02-1994.

Issued
2/3/94

S. Shankar
for DEPUTY REGISTRAR 213
JUDICIAL BRANCHES.

gm*

9/c

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 852/93

FRIDAY, THE 25TH DAY OF FEBRUARY, 1994

Shri V. Ramakrishnan ... Member (A)

Shri A.N. Vujjanaradhya ... Member (J)

Shri B. Jayaraj,
S/o Shri C. Bengamin, 53 years;
T.No. 452 Upholster,
Skilled Grade,
Station Workshop, E.M.E.,
Agram Post,
Bangalore - 560 007 ... Applicant

(By Advocate Shri A.S. Natarajan)

Vs.

1. The Secretary,
Ministry of Defence,
Government of India,
New Delhi.
2. Director General, E.M.E.,
Army Headquarters,
D. HQ Post,
New Delhi-11.
3. Major General, E.M.E.,
Head Quarters,
Southern Command,
Poona - 411 001.
4. Commander, E.M.E.,
HQ, A.T.N.K.K. & G. Area,
Island Grounds,
Madras - 600 009.
5. The Commanding Officer,
Station Workshop, E.M.E.,
Agram Post,
Bangalore - 560 007.

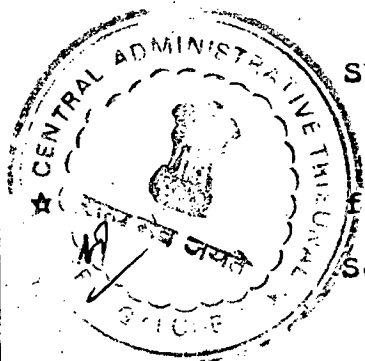
(By Advocate Shri M.S. Padmarajaiah,
Senior Standing Counsel for Central Govt.)

O R D E R

Shri V. Ramakrishnan

We have heard Shri A.S. Natarajan, learned counsel
for the applicant as also Shri M.S. Padmarajaiah, learned
Senior Standing Counsel.

...2/-



2. The applicant entered service as an Upholster, (which is a skilled category) on 17.4.63 in the Defence establishment. According to the instructions issued by the department the seniority of skilled categories will be determined keeping view the date of appointment to that level. The instruction at Annexure A-3 dated 23.5.88 states further in para 4 of the letter as follows:

"The following common category 'Skilled' jobs trades are included:-

- | | |
|---|------------------------|
| (a) Veh Mech | (b) Electrician |
| (c) Fitters | (d) Blacksmith |
| (e) Carp & Jnr | (f) Welder |
| (g) Painter & Decor | (h) Tin & Copper Smith |
| (j) Turner | |
| (k) Grouped Seniority Rolls (Electrodepositor, Moulder, Pattern Maker, Machinist, Meson, Ref. Mech., OTRI and Uphol)" | |

It is not in dispute that the applicant entered service as an Upholster on 17.4.63. We find from the seniority roll reproduced at Annexure A-2 that a ^{few} number of others who joined service as a skilled worker later than the applicant within the combined category 'K' had been promoted to H.S. Grade-II and even further as H.S. Grade-I. Shri Natarajan draws our attention to the case of one Shri K.P. Shah, who joined as a Machinist on 20.4.63, that is after the date of entry in service by the applicant to the same level but has since been promoted to Grade-I with effect from 15.10.85. We are further informed that Shri K.P. Shah was firstly promoted to H.S. Grade-II some time in 1984 and subsequently he had been promoted to H.S. Grade-I whereas the applicant has remained at the present level of Upholster for the last over three decades.

...3/-

3. When we enquired of the learned standing counsel the reasons for not considering the applicant for promotion, he referred ^k para 8 of the reply statement which reads as follows:

"In the meantime it has been intimated by HQ ATNKK & G Area Madras that the Upholster trade does not come under three grade structure for promotion in terms of Army HQ letter No. 87837/PC/Trade Gp/ EME Civ-1 dated 18th August, 1987 vide their letter No. 92303/Fit/48/EME Civ dated 12th October, 1991."

The other contentions of the applicant are not challenged. However, there has been no material furnished to us to support this contention that the trade of Upholster has to be treated as a separate stream not as part of the combined group of skilled workers. Apart from Annexure 3, the papers made available to us, particularly, the letter dated 2nd July, 1990 issued by HQ Southern Command, E.M.E. Branch, Pune which is taken on record with its enclosure indicates that one Shri Ganpat Tukaram, who is also an Upholster, has been given promotion from the level of skilled category Upholster to H.S. Grade-II on the recommendation of the DPC and has since been promoted with effect from 26th June, 1990, *(It is now noted that this will be rectified)* This goes to show that the trade of Upholster continues to form part of the combined seniority structure in terms of letter dated 23rd May 1988 as at Annexure A-3 and is eligible for the benefit of the three grade structure. We also note admission in para 4 of the reply statement which reads as follows:

...4/-



"This unit had received seniority roll commandwise prepared and forwarded by HQ Southern Command vide their letter No. 541801/C/1/EME Q dated 6th November, 1989. In this seniority roll name of T. No. 452 Upholster B. Jayaraj has been mentioned with his date of appointment 17.4.1963 and his seniority also reckones from the same date. During the year 1990 again seniority roll was circulated by HQ Southern Command to all the affected units and instructed to forward the names, if found omitted vide their letter No. 541801/C/1/EME Civ dated 2nd May, 1990. This unit had observed that name of the above individual was not shown in the seniority roll and case was taken up with HQ Southern Command to include his name vide this unit letter No. 58615/Ind/Fitment dated 14th May, 1990. Accordingly, seniority roll was issued by HQ Southern Command incorporating the name of Shri B. Jayaraj and instructed this unit to forward his recommendation for promotion vide their letter No. 541801/P/1/EME 2 dated 7th June, 1990. Subsequently select panel was issued by HQ Southern Command vide their letter No. 541801/P/EME 2 dated 2nd July, 1990 in which the name of the individual was not found even though he was senior and his juniors name was included."

4. In the light of the foregoing, we find that the non-consideration of the applicant for promotion is not proper. He should be considered for promotion to higher level in the light of his seniority which should be from the date of his entry into service as Upholster. In view of this we direct the department to revise the seniority list on the basis of the instructions contained as at Annexure A-3 keeping in view the applicant's date of entry into service on the post of Upholster and consider his case for promotion from the date his immediate junior was promoted. We are told by Shri Natarajan that his immediate junior who got promotion is Shri K.P. Shah, who joined as Machinist on 20.4.63. On the basis of

...5/-

such an exercise, if the applicant is found fit for promotion, he should notionally be promoted from the date his immediate junior has been promoted but the actual financial benefits should be restricted to three years prior to filing of this application, i.e. 7.10.1993.

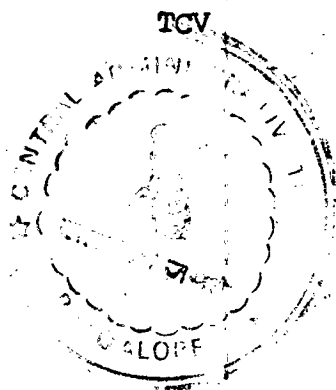
5. With the above observations, the application is finally disposed off but without any order as to costs. The above directions will be completed within three months from the date of receipt of a copy of this order.

llm
Sd-

(A.N. Vujjanaradhya)
Member (J)

SD-

(V. Ramakrishnan)
Member (A)



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E. S. Sankar
2/3
DIRECTOR GENERAL
ADDITIONAL DEPUTY
BANGALORE

GENERAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Miscellaneous Appln.No.247 of 1994 in

Dated:- 14 JUN 1994

APPLICATION NUMBER: '852 of 1993.

APPLICANTS:

RESPONDENTS:

1. Sri.B.Jayaraj v/s. Secretary,M/o.Defence,NDelhi & Others.

1. Sri.A.S.Natarajan, Advocate,
No.25,Fourth-B-Street,
Chandni Chowk Road Cross,
Sihvajanagar, Bangalore-51.
2. The Commanding Officer,
Station Workshop, E.M.E.Type-M,
Agaram Post, Bangalore-560 007.
3. Sri.M.S.Padmarajaiah, Senior CGSC,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 07-06-1994.

S. S. Narayan
DEPUTY REGISTRAR *W/S*
for JUDICIAL BRANCHES.

gm*

of
Served
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In the Central Administrative Tribunal

Bangalore Bench

Bangalore

Application No. 852 of 1993

B. Jayaraj

vs.

ORDER SHEET

(contd)

Mb. Defence Nochi

Date

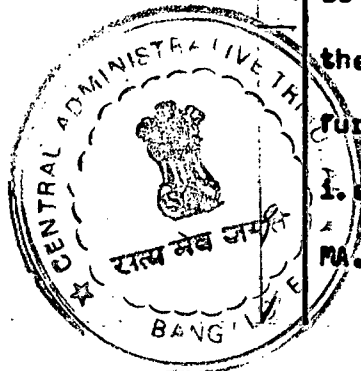
Office Notes

Orders of Tribunal

ORDERS ON MA 247/94

VR (MA)/ ANV (MJ)
7.6.1994

Heard Shri MSP for the applicant in MA 247/94. Having regard to the fact that necessary financial sanction will have to be obtained from the Ministry of Finance, the request for extension of time for a further period of four months from today, i.e. 7.6.94 is granted by allowing this MA. Accordingly MA is disposed of.



Member (J)

Member (A)

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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE