

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated:- 5 MAY 1994

APPLICATION NUMBER: 20 of 1994.

APPLICANTS:

Sri.T.M.Varghese
T.

RESPONDENTS:

v/s. The Director, Survey of India, Southern Circle,
Bangalore and Others.

1. Dr.M.S.Nagaraja, Advocate, No.11, Second Floor,
Frist Cross, Sujatha Complex, Gandhinagar,
Bangalore-560009.
2. The Director, Survey of India, Southern Circle,
Second Block, Koramangala, Sarjapura Road,
Bangalore-560034.
3. Sri.M.Vasudeva Rao, Addl.C.G.S.C.,
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 21st April, 1994.

Issued on
6/5/94
R,

O/c


for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 20/ 1994

THURSDAY, THE 21ST DAY OF APRIL, 1994

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

Shri T.V. Ramanan ... Member (A)

Shri T.M. Varghese,
aged 54 years,
S/o late Shri M. Mammen,
17, Roger's Road,
Richards Town,
Bangalore - 560 005. ... Applicant

(By Advocate Dr. M.S. Nagaraja)

Vs.

1. The Director,
Southern Circle,
Survey of India,
Sarjapura Road,
2nd Block, Koramangaala,
Bangalore - 560 034.
2. The Surveyor General of India,
Dehradun - 248 001 (U.P).
3. Union of India
represented by
Secretary to Government,
Ministry of Science & Technology,
Government of India,
New Delhi. Respondents

(By Advocate Shri M. Vasudeva Rao,
Standing Counsel for Central Govt.)

O R D E R

Shri T.V. Ramanan, Member (A)

In this application filed under Section 19 of the
Administrative Tribunal Act, 1985, the reliefs sought

....2/-

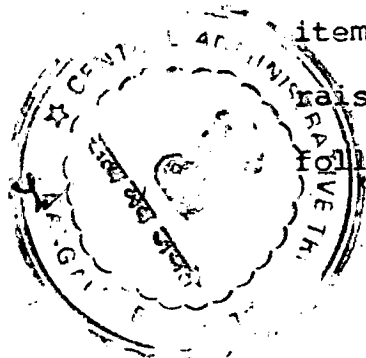


- i) To direct the respondents to promote the applicant to the next higher scale, i.e. Rs. 2,200 - 4,000, by upgrading or creating a new post, in terms of the letter and spirit of the policy concretised in F. 10 (1) E.III/88 dated 13.9.91 i.e. (Annexure A1).
- ii) To grant one promotion at least in the service with effect from 1.4.1991.
- iii) To grant all consequential benefits including the arrears of payment with interest from 1.4.91 till date.
- iv) To award the cost of this application.
- v) To grant such other reliefs as this Hon'ble Tribunal deems fit and expedient, in the circumstances of the case, "IN THE INTEREST OF JUSTICE AND EQUITY".

2. The applicant, who had worked in the Indian Air Force as Fitter Mechanic for over 15 years, joined the Survey of India on 10.5.72 as a civilian employee, admittedly as a direct recruit, to the post of Superintendent of Vehicles in the then pay scale of Rs. 550 - 900. This scale was subsequently revised to Rs. 1640 - 2900 with effect from 1.1.86 upon the implementation of the recommendations of the 4th Central Pay Commission. Having joined the Survey of India about 22 years ago on the aforesaid post, the applicant has not had the benefit of any promotion because there is no promotional avenue provided for the holder of the post of Superintendent of Vehicles in the Survey of India. The grievance of the applicant is that in spite of issue of O.M. No. F 10(1)/E.III/88 dated 13.9.91 by the Ministry of Finance, Government of India which introduced a scheme to provide for at least one promotion to Group 'C' and 'D' employees in their service career, he has not been

promoted to the next higher scale. The contention of the applicant is that he had reached the maximum of the pay scale of Rs. 1640 - 2900 in 1989 itself and was also allowed stagnation increments thereafter. Despite a representation made by him on 21.5.93, no action has been taken to sanction a higher pay scale to which he can be promoted (his first promotion) in accordance with the provisions contained in the Ministry of Finance O.M. dated 13.9.91.

3. We have heard Dr. M.S. Nagaraja, learned counsel for the applicant and the learned standing counsel for the respondents and perused the record of the case. The respondents' contention is that "the next scale available for promotion from the scale of Rs. 1640 - 2900 is 2000 - 3200/ 2000 - 3500 normally (Gr. B Scale) and not the scale of Rs. 2200 - 4000 (i.e. the scale of Jr. Class-I Gr. A) as stated by the applicant". The respondents in their reply have also drawn our attention to O.M. No. 10 (1) E.III/88 dated 25.5.92 in which the Ministry of Finance, Government of India (Annexure R-1) have issued certain clarifications in relation to the O.M. dated 13.9.91 referred to supra and also another office memorandum dated 6.11.91 apparently on the same subject as relates to the office memorandum dated the 13.9.91. Our attention is drawn by the learned standing counsel to item 8 of the O.M. dated 25.5.92. The point of doubt raised therein and the clarification given read as follows:



"Whether a Group 'C' employee stagnating at the maximum of the scale of pay for more than a year can be allowed in-situ promotion to next higher scale which happens to be a Group 'B' scale."

No

When questioned, the learned standing counsel stated that he was referring to this point of doubt and clarification given thereto only because the applicant had sought relief for promotion to the higher scale of Rs. 2200 - 4000 which happen to be a Group 'B' scale. This is the background on account of which the learned standing counsel for respondents objects to the grant of relief prayed for by the applicant.

4. Drawing our attention to the Central Civil Services Revised Pay Rules as published in Swamy's Compilation (1992), learned counsel for the applicant argues that even if the objection raised by the standing counsel for respondents, based on the clarification given by the Ministry of Finance reproduced above, should be accepted, nothing can prevent the respondents from extending a pay scale allowed to Group 'C' employees which is next higher to the scale of Rs. 1640 - 2900. He mentions the pay scale of Rs. 2000 - 3200 in this regard. This pay scale is attached to the posts of Stenographer Grade-I, working in organisations outside the Secretariat, Nursing Staff Supervisor, which stands categorised as para-medical staff in Group 'C', Nurses (teaching staff) under the same category, etc. We are inclined to accept the argument of the learned counsel for the applicant. This pay scale, it is seen, is available

to Grade 'C' employees of the Central Government. Although similar scale may not exist for employees working in Survey of India, the organisation in which the applicant is working, in order to provide a benefit of at least one promotion to the applicant, who has had no avenue of promotion for the last about 22 years of service, the scale of Rs. 2000 - 3200, which is the next higher scale to the scale of Rs. 1640 - 2900, could be extended to applicant in terms of the office memorandum dated 13.9.91. Hon. Supreme Court has, in a number of cases, stressed the need for provision of promotional opportunities to employees serving in the government in order that they may function efficiently and effectively. Suffice to say that the applicant who has had no occasion for promotion during the last about 22 years should be considered for the benefit of in situ promotion in terms of the office memorandum dated 13.9.91 as he cannot be denied the benefit of at least one promotion during his service career.

5. We, therefore, direct the respondents to extend the pay scale of Rs. 2000 - 3200 as promotion scale to the post the applicant is holding and consider his case for in situ promotion with effect from 1.4.91 in accordance with the instructions contained in the office memorandum dated 13.9.91. All consequential monetary benefits will be extended to him in the event of his promotion. The respondents will implement this direction within a period of three months from the date of receipt of a copy of this order.

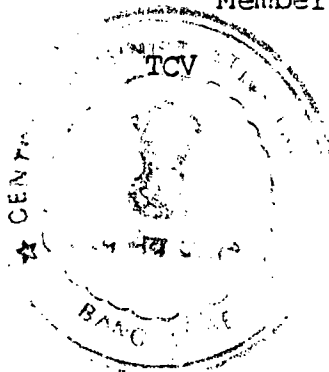
6. The application is accordingly disposed of with
no order as to costs.

Sd-

(T.V. Ramanan)
Member (A)

Sd-
"

(A.N. Vujjanaradhya)
Member (J)



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Sd- [Signature]
SECTION OFFICER
GENERAL ADMINISTRATION
ADDITIONAL DEPUTY
BANGALORE

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Miscellaneous Appln.No.352 of 94 in

Dated:- 26 AUG 1994

APPLICATION NUMBER: 20 of 1994.

APPLICANTS:

RESPONDENTS:

Sri.T.M.Varghese v/s. Director, Survey of India, Bangalore & Others.
To.

1. Dr.M.S.Nagaraja, Advocate, No.11, Second Floor,
First Main, Sujatha Complex, Gandhinagar,
Bangalore-560 009.
2. Sri.M.Vasudeva Rao, Addl.C.G.S.C.,
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 08-08-94.

OLC
Issued
on 26-8-94
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S. Shankar
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

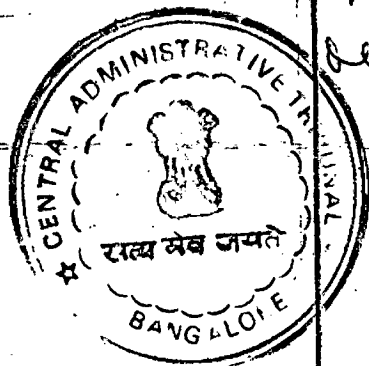
**In the Central Administrative Tribunal
Bangalore Bench
Bangalore**

Sh. T. M. Varghese v/s. The Director, Survey of India. B'lore.

Application No. 20 of 1994,

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
		<p><u>PKSVL/TURMA</u> 8.8.94</p> <p><u>Orders on MA No. 352/94</u></p> <p>Heard by the Sides.</p> <p>Time to comply extended by another two months.</p> <p>No further extension</p> <p>Sd- VR</p>
		<p>Sd- VR</p>



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S. S. Sankar
SECTION OFFICER 28/8
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

B-710



SECTION IV-A

D.No. 17630/94/IV-A
SUPREME COURT OF INDIA
NEW DELHI.

From:

The Assistant Registrar,
Supreme Court of India,
New Delhi.

DATED: 15.12.1994

To,

The Registrar,
Central Administrative Tribunal
at Bangalore.

SPECIAL LEAVE PETITION (CIVIL) NO.22545 OF 1994

WITH

INTERLOCUTORY APPLICATION NO.1
(Application for condonation of delay in filing SLP)

AND
INTERLOCUTORY APPLICATION NO.2
(Application for stay)

~~State~~ Union of India & Ors.

..Petitioners.

-Versus-

Mr.T.M.Varghese

..Respondent.

Sir,

I am directed to forward herewith for your information
and necessary action a certified copy of the Order
of this Court dated 12.12.1994 passed in the
matter above-mentioned.

Yours faithfully

H. S. S. S.
ASSISTANT REGISTRAR



THE UNITED STATES OF AMERICA

DEPARTMENT OF THE ARMY

WASHINGTON, D.C.

OFFICE OF THE ADJUTANT GENERAL

ADJUTANT GENERAL

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