

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated: **30 JUN 1995**

APPLICATION NO. 2038 of 1994 and 538 to 543 of 1995.

APPLICANTS: **S/Sh.Lokeswara Rao and six others.,**

V/S.

RESPONDENTS: **The Secretary, Ministry of Defence,  
New Delhi and two others.**

To

1. **Sri. O.Sreedharan, Advodate,  
Indira Mahal Lodge, 6th Main,  
Gandhinagar, Bangalore-560009.**
2. **Sri.M.S.Padmarajaiah, Senior  
Central Govt.Standing Counsel,  
High Court Bldg, Bangalore-1.**


Subject:- Forwarding copies of the Orders passed by the  
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/  
Stay Order/Interim Order, passed by this Tribunal in the above  
mentioned application(s) on 15-06-1995.

Issued on  
30/06/95

gm\*

  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

O.A. NO.2038/94 & 538 TO 543/95

THURSDAY THIS THE FIFTEENTH DAY OF JUNE 1995

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri V. Ramakrishnan ... Member (A)

1. Lokeswara Rao,  
S/o Sampangi Raju, G.
2. R. Basavaraju,  
S/o Rachaiah.
3. S. Asok Kumar,  
S/o P. Seetha.
4. K. Prabhakaran,  
S/o K. Kuppuswamy,
5. K. Rama Naik,  
S/o Krishna Naik.
6. S. Visweswaran,  
S/o V.S. Sundareshan.
7. K.N. Yuvaraj,  
S/o Narayanaswamy.

all are majors, working as Senior Scientific  
Assts. Gas Turban Research Estt.  
C.V. Ramannagar, Bangalore-560 093.

...  
Applicants

(By Advocate Shri O. Sreedharan)

vs.

1. Union of India,  
by its Secretary,  
Ministry of Defence,  
Government of India,  
New Delhi.
2. Scientific Adviser  
to Raksha Mantry,  
Director General Defence  
R&D Organisation,  
Sena Bhavan,  
New Delhi-110 011.

The Director,  
Gas Turban Research  
Establishment,  
C.V. Ramannagar,  
Bangalore-560 093.

... Respondents

(By Advocate Shri M.S. Padmarajaiah ...  
Senior Central Government Standing Counsel)

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O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. We have heard Shri O. Sreedharan, learned counsel for the applicants. He complains that a fiat issued by the President of India calling upon the department to amend the Recruitment Rules ('RR' for short) suitably in due course so that more posts in the promotional stage become available to the employees of the Central Government is not yet fully obeyed though issued way back in the year 1988. Herein what is now sought for is an injunction directing the Union Government to amend the RRs suitably in accordance with the directive supra issued by the President of India as can be seen from Annexure A-1. The Union Government having been notified has entered appearance and on its behalf the Standing Counsel has filed a detailed reply wherein it is pointed out that the question of creation of higher post was no more in the offing because this Tribunal in Pinto's case had said that the interest of justice will be met by reclassifying the posts already existing by giving them a salary lift which means there is going to be no promotion but the very posts are upgraded and holders of those posts given higher monetary benefits. It is stated in the reply statement at para 9 that in view of the ample exposition available in the judgment of the Tribunal making it very clear that there is no need to create any promotional posts but on the other hand it will be enough if the posts are recategorised or reclassified bearing a higher pay scale. In that view of the matter, it is stated that the Central Government has taken a decision not to amend the RRs. We

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find from para 9 of the government stand as follows -

"There was no inaction on the part of the respondents as alleged by the applicants. But a decision not to amend the recruitment rules was taken since the higher pay scale was neither a promotion or a fresh appointment, but was treated as non-functional selection grade. It is denied that any appointment in the higher pay scale was given. It was only a placement in the higher pay scale and not an appointment."

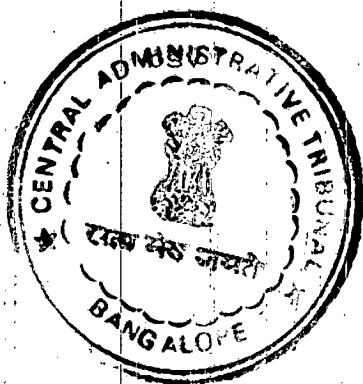
In the light of the aforesaid stand stated to be based on the decision of this Tribunal what becomes obvious is that need for amendment of the RR stood obviated since in any view of the matter the employees would be benefitted by grant of higher pay scale besides bearing a higher insignia. The question whether RRs should be amended or not is a policy decision taken by the Government. If that object could be achieved even without the RRs being amended but the employees get a higher pay scale and an upgraded designation one would think that they will have no grievance. Shri Sreedharan, however, says that the employees still nurture the grievance of RRs not being amended in terms of the fiat by the President. Counsel says that he is not willing to accept the statement made before the Tribunal that a decision has been taken not to amend the RRs but he wants the production of minutes indicating that there was no need to amend the RRs. We do not agree. A statement has been made on behalf of the Government of India by a responsible officer and not merely that it has also been subscribed to by the Senior Standing Counsel before court stating that the need for

amendment of the RRs was not felt because the relief to be granted to the government servants could be granted even otherwise, we see no reason to disbelieve the said stand and feel that Government being entitled to take a decision not to amend the RRs and it is not necessary to produce proof to demonstrate the same before Court. This being the only point raised herein this application fails and the it rejected at the admission stage.

2. If the applicants still feel very strongly about the inaction of Government in the matter of amending the RRs it will be even now open to them to file a memorandum before the President of India for necessary action by the President.

*Sd/-*  
MEMBER (A)

*Sd/-*  
VICE-CHAIRMAN



TRUE COPY

*[Signature]*  
30/6/95  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore