

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:243/93

DATE OF DECISION: 31st January 2002

Mrs. Hemant S.Dhaybar & Ors. Applicant.

Shri S.P.Saxena Advocate for
Applicant.

Versus

Union of India and others Respondents.

Shri R.K.Shetty Advocate for
Respondents

CORAM

Hon'ble Shri D.S.Baweja, Member(A)

Hon'ble Shri S.L.Jain Member(J)

(1) To be referred to the Reporter or not? No

(2) Whether it needs to be circulated to No. other Benches of the Tribunal?

(3) Library. Yes

S.L.Jain
(S.L.Jain)
Member(J)

NS

CENTRAL ADMINISTRATAIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO:243/93

the 31st day of JANUARY 2000

CORAM: Hon'ble Shri D.S.Baweja, Member(A)

Hon'ble Shri S.L.Jain, Member(J)

1. Hemant S.Dhaybar
R/o 25/192, Laxmi Nagar,
Pune,
2. V.Manivannan
R/o B 11/6 Vishrant Society
Vishrantwadi, Pune.
3. Subhash P.V.Narayanan
Room No.3, Kumbhar Bldg.,
Elphinstone Road, Kirkee,
Pune.
4. Anil D.Kulkarni
R/o 86/1A -1B Vivekananda
Colony, Choudhary Chawl,
Azad Wadi, Kothrud
Pune.
5. Johnson Munnuswamy
R/o 3, Mitra Nagar,
Bopodi, Pune.
6. Omprakash S.Sangwan
C/o H.G.Kanse, 260/20
Type II, R.D.Colony,
Kalas, Pune.
7. Madhukar Shamrao Lolap
R/o 89/A -Vaitagwadi,
East Kirkee, Pune.
8. Promod S.Pande
R/o 623/12, Kawade Nagar,
New Sangavi, Pune.
9. Satish V.Gandham
R/o 10 East Kirkee
Pune.
10. Shashikant C.Swamy
R/o 514/A, Budhwar Peth
Pune.

...2...

S:44

11. Anil B.Shinde
R/o 40 Bombay Pune Road
Kirkee, Pune.
12. NanaSaheb S.Suryawanshi
R/o 'Venkateshwar'
Bldg., No. 15 Flat No.15
Indrayani Nagar,
Bhosari, Pune.
13. Mahendra R.Deogaonkar
R/o 141 Shinde Ali,
Shukkrawar Peth,
Pune.
14. Surendra G.Vehale
R/o 434 Krantinagar,
Pimple Nilakh,
Pune.
15. K.Subbarao,
C/o A.H.Mane, RDE
Quarter No.21/255
Type II Vishrantiwadi,
Pune.
16. K.V. Devadasan
R/o P 8/8 Nehru Road
Kirkee, Pune.
17. N.Ramadasan
R/o No.1 Lalxman Waghare
Chawl, Behind Racold
Factory, Morewadi, Pune.
18. Gajendrasingh M. Pradeshi
R/o 90, Kasba Peth,
Pune.
19. Bhima L.Sawai
C/o Randive N.P.
E.S.I.S. Hospital Colony,
B/12 Aundh Camp, Pune.
20. Vishwambhar N. Shinde
R/o Survey No.48
Anand Park Bhairavnagar,
Pune.
21. Sanjay A.Godake
R/o 2389, New Modikhana
Opp. Poona College,
Pune.
22. C.Jayaprasad
R/o 6/5 R.A.Line
Kirkee, Pune.
Kirkee, Pune.

23. D.Sankar
R/o 116/2, Gawane Building
Alandi Road, Kalas,
Pune.

24. A.D.Safai
R/o Kalate Wasti,
Wakad Tal Mulshi,
Pune.

25. Narsing N.Rao
R/o Bldg. No.2,
Flat No. 6, Patil Estate,
37 A, Aundh Road,
Pune.

26. Subhash S.Chaodankar
R/o Village Dighi
Near Bambargékar Guruji,
Tal Haveli, Pune.

27. Binoy B.Sarkar
R/o 592/4 Type III
Indrayani Darshan
Dehu Road, Pune.

28. Pandurang R.Burse
R/o Prassana Housing
Complex, Survey No. 642/4/5
Bibwewadi, Pune.

29. Neeraj Srivastava
R/o 319, Somwar Peth,
Pune.

30. Dattatraya L. Bhintade
R/o Srinath Niwas,
Azad Nagar, P.O. S.R.P.F.
Pune.

31. Kamlesh Kumar Dey
R/o 21/46 Yamuna Nagar,
Nigadi, Pune.

32. Bijendra Kumar
R/o 37 RD Housing Society,
Alandi Road, Pune.

33. Sachidanand N. Das
R/o Gaikwad Bldg.,
Plot No.199, Kalas
Pune.

34. Raghunath S.Shirke
R/o Gandhinagar,
Yerawada, Pune.

35. Jitendra P. Puranik
R/o 383/A Shrikrupa
Saniwarpet, Pune.

23. D.Sankar
R/o 116/2, Gawane Building
Alandi Road, Kalas,
Pune.

24. A.D.Safai
R/o Kalate Wasti,
Wakad Tal Mulshi,
Pune.

25. Narsing N.Rao
R/o Bldg. No.2,
Flat No. 6, Patil Estate,
37 A, Aundh Road,
Pune.

26. Subhash S.Chaodankar
R/o Village Dighi
Near Bambargekar Guruji,
Tal Haveli, Pune.

27. Binoy B.Sarkar
R/o 592/4 Type III
Indrayani Darshan
Dehu Road, Pune.

28. Pandurang R.Burse
R/o Prassana Housing
Complex, Survey No. 642/4/5
Bibwewadi, Pune.

29. Neeraj Srivastava
R/o 319, Somwar Peth,
Pune.

30. Dattatraya L. Bhintade
R/o Srinath Niwas,
Azad Nagar, P.O. S.R.P.F.
Pune.

31. Kamlesh Kumar Dey
R/o 21/46 Yamuna Nagar,
Nigadi, Pune.

32. Bijendra Kumar
R/o 37 RD Housing Society,
Alandi Road, Pune.

33. Sachidanand N. Das
R/o Gaikwad Bldg.,
Plot No.199, Kalas
Pune.

34. Raghunath S.Shirke
R/o Gandhinagar,
Yerawada, Pune.

35. Jitendra P. Puranik
R/o 383/A Shrikrupa
Saniwarpet, Pune.

36. Arun P. Shegokar
R/o 350/24 Tilak Road
Nigdi Pradhikaran
Pune.

37. Dipak D. Deshpande,
R/o A/38, Swanand Society
Sahakarnagar No.2 Parvati
Pune.

38. N. Harikumar
R/o Mamta Housing Society
Near Shanti Ashram
Wadgaon Sheri
Pune.

39. Subhash Chandra Singh
C/o Dr. A.R.Naik
Bharat Ratna Soceity
Khiwale, Dehu Road,
Pune.

40. Santosh N. Katarnavare
R/o 9/16 B, Shell Colony
Road, Sahakar Nagar,
No.5 Chembur, Bombay.

41. Sudhir Kumar
C/o Dr. A.R.Naik
B.R. Society, Khiwale,
Dehu Road Vikas Nagar,
Pune.

42. D.N. Suresh
C/o P.L.Kamble
Quarter No.6, CQA Staff
Qrts. Behind Raja Bungalow,
Khadki, Pune.

43. Pandurang L.Balwatkar
R/o Shivaji Bagwan Dhore
Chawl, Near P.M.T Bus Stop
Sangvi, Pune.

44. Nauji Singh
C/o Ganesh Mahto
Nirakshan Vihar
P-8/11, CQA Kurkee.

45. Kiran R.Joshi
R/o at Post Office Dighi
Pune.

46. Nathu K. Kamble
R/o 38, Aundh Road
Bhagat Singh Chowk
Kirkee.

47. Pradeep E.S.Indekar
R/o 487 Raviwar Peth
Juni Bhajiali
Pune.

48. Raj S.Ahivale
R/o 194/851 Sant
Tukaram Nagar,
Pimpri, Pune.

49. Balanna S.Tikellu
R/o 3, Jumbu Wada
Old Bazar Kirkee
Pune.

50. Syed Abdul Kadar
R/o S.No.681/1, N,
Mhaske Chawli,
Lande Wadi, Pune.

51. A.M. Madhavaraji
R/o B-11/6 Vishrant
Society, Vishrantwadi,
Pune.

52. R.Jayakumar
R/o B-11/6 Vishrant
Society, Vishrantwadi
Pune.

53. V.R.Patil
R/o S.No. 81, Behind
Sanjay Shitole Bungalow
New Sangavi, Pune.

54. Ashok L. Shelke
C/o U.R. Borse
409, Mulanagar
Sangavai, Pune.

55. J.Narasimhan
R/o 25/5/SW, Parathik
Nagar, Yerawada,
Pune.

56. Anandkumar D.Dehspande
R/o 7/8 Indrayani Nagar,
P.C.N. TDA Bhosari, Pune.

57. Krishnappa A.Masal
R/o Sarla Niwas
Maji Sainik Nagar,
Yerawada, Pune.

58. K. Manoharan
R/o/B-11/6 Vashrant
Soceity, Vishrantwadi
Pune.

59. Manik H.Mate
R/o Bldg. No.20/535
MIG Colony, Gokhale
Nagar Pune.

60 P.A.Jose
R/o Flat No. 13, AB. Building
New Indira Park, Pune.

...Applicants.

By Advocate Shri S.P.Saxema

V/s

1. Union of India
Represented by:
The Secretary
Ministry of Defence
Government of India
New Delhi.

2. The Directorate Gen. of EME
EME, VIV - L
Master General of Ord. Broad
Army Head Quarters, DHQ, PO
New Delhi.

3. The Commandant
512 Army Base Workshop
Kirkee, Pune.

4. The Officer In charge
EME Records
Secunderabad

...Respondents

By Advocate Shri R.K.Shetty.

O R D E R

{Per Shri S.I.Jain, Member(J)}

This is an application under Section 19 of the
Administrataive Tribunals Act 1985 for the declaration that the
applicants are entitled to receive the pay scales as are granted
to their counter parts working in the manufacturing shops of the
Defence department etc. as recommended for their Technical
Supervisory cadre by various committees and the Central Pay
Commission and entitled for cadre review. A direction to the
...7...

SV/

respondents to implement the four grade structure and relevant scales of pay for the Supervisory Staff of E.M.E. Workshops from 1.1.1973, a declaration that the applicants are entitled to have their pay fixed/promoted accordingly, a direction to the respondents to pay to the applicants all the monetary benefits such as salary, allowances etc. accordingly, revise the pay scales of the applicants, pay to the applicants accordingly in view of the recommendation of the Committee and Central Pay Commission, is also sought.

2. The applicants' case in brief is that they are working as Chargemen, Senior chargemen and Foreman in the Workshop of respondent No.3 at Pune and their names, post held, educational qualification and scale of pay is as per Ex-A. They are the members of the Association ' All India Association of E.M.E Supervisors Technical' which is duly recognised by the Ministry of Defence, Government of India having its Head Office at 20 A, Ayodhya Kunj, Agra, having different branches all over India, one of which situates at Kirkee, Pune. The members approach Head Office through their different respective branches and accordingly Head Office proceeds and the branches are always in touch with the Head Office. Thus the representations made by the Head Office by the Secretary are on behalf of each and every member of Association.

3. In the EME Base Workshop like 512 Army Base Workshop, Kurkee the Civilian therein are recruited in lieu of Military Personnel, the Status of Civilian is equivalent to the one of the

Craftsman in Army. So also the supervisors are equivalent to Junior Commissioned Officer (JCDS). The Supervisors are divided in two cadres part I and part II depending upon the respective trades. The duties of the Civilian Technical Supervisors are laid down in the EME Regulations General GN/c - 400 No.1. The duties and responsibilities of the technical Supervisory Staff like applicants in Defence Workshops are the same as those of their counter parts in other workshops.

4. A High Power Committee named 'Devanath Committee' was set up in the year 1970 to recognise and restructure the cadre of Supervisors, the recommendations of which are accepted by the Respondent No.1 vide letter No.11(8)/70(C iv -I) dated 26.8.1970, Published in Civilian Personnel Routine orders on 108/70. The restructure cadre was as mentioned in para 4(c) of the OA. The vacancies in the Supervisory cadre are filled in by promotion as well as direct recruitment in ratio of 75:25 in the case of Foreman, 66:66: 33.33 in the case of Senior Chargemen by recruitment through departmental candidates and direct recruits respectively and the requisite qualification for appointment/promotion is as detailed below:

S1.No.	Grade.	Educational qualifications	Experience in years.
1.	Foreman	Degree in Engineering	-
		Diploma in Engineering	4
		Matriculate	9
2.	Senior Chargeman	Diploma in Engineering	1
		Matriculate	6
3.	Chargeman	Diploma in Engineering	-
		Matriculate	2

5. The Third Pay Commission has observed/recommended that a differentiation in the Pay Scales of Supervisory staff on the basis of nature of skills required by Artisan Staff supervised would be even less justified, on the recommendation of the 'Devanath Committee' Government will be revising the Grade Structure in certain organisations Viz- EME, ACC, Navy and Air Force. The distinction between Production Shops and Repair Shops need not to be maintained and the revised scale recommended was to be made applicable to the Foreman is also observed by the Third Pay Commission.

6. The respondents pleaded before the Third Pay Commission that 'Devanath Committee' set up in 1970 is also seized of the matter in respect of restructure of cadre to four level as it existed in other workshops under the Ministry of Defence, the Pay Commission did not go much in detail but observed that the Four grade structure in Supervisory Staff in the Workshop should be the same in all departments in the Ministry of Defence. While the recommendation of the 'Devanath Committee' was available. Thus the respondent mislead the Third Pay Commission.

7. The recommendation of the Third Pay Commission were duly accepted by the Hon'ble President of India but there has been a failure on the part of the Respondent to implement the same in its true spirit. The assistance was taken by the respondent only on mathematical basis of the Third Pay Commission's Report.

8. Joint Consultative Machinaries (JCM) was consulted for the unification of Technical Supervisory Cadre/Structure and the Pay scales in the Ministry of Defence which submitted its report on 26.6.1981 recommending Higher Apex Scale i.e. Rs. 700 - 900 and Rs. 840 - 1040 to Supervisory Staff of EME in order to bring them at par with their counter parts in other Defence organisations. The issue of non implementation of Third Pay Commission's recommendation and unification of Technical Supervisory Grade/structure and pay scales of all the Directorate of Ministry of Defence were under consideration of JCM.

9. The Fourth Pay Commission also ignored the correct and true entitlement of the applicants in the Four Grade Structure though recommended over looked unjustice/anomalies which crept in at the time of Third Pay Commission.

10. The recommendation of the Fourth Pay Commission is for the Grade of Rs. (1) 1400 - 2300 (2) 1600 - 2660 (3) 2000 - 3200 and 2375 - 3500. Even after that there are only three grades functioning - Chargemen, Senior Chargemen and Foremen, the Chargemen and Senior Chargemen draw the same pay scales. In fact lower two scales have been granted and the upper two scales have not been allotted. Even the IInd and IIInd Pay Commission have recommended different pay scales for the posts of Chargemen and Senior Chargemen.

JY/-

...11...

11. The General Secretary of the Association by his representation dated 12.10.1986 addressed to the respondent No.1 brought the above anomalies to the notice and requested for redressal of the same.

12. Brigadier Kapahi Committee was constituted for the cadre review which was also pleaded to recommend the Four grade structure of Technical Supervisors such as Senior Chargemen, Foremen, Senior Foremen and Principal Foremen along with jumping promotions for those possessing higher qualifications. All the Commandants agreed to the same. The respondent No.3 submitted the statement on 18.3.1988.

13. The Government of India, Department of Personnel and Training vide its office Memorandum dated 25.1.1988 informed the concerned that in terms of the agreement with the staff side of National Council, a decision had been taken to set up appropriate Anomalies Committee consisting of the representatives of the official side and the staff side to settle the anomalies arising out of the implementation of the Fourth Pay Commission's recommendations subject to the condition mentioned therein. The Ministry of Finance etc. also requested to take urgent action for setting up of the aforesaid Committee for the said purpose. The Committee was constituted and staff side was requested to submit the proposed items to Deputy Secretary, Anomalies Committee with a brief.

DW /

...12...

14. The Secretary and General Secretary of the Applicant's Association vide letter dated 11.1.1989 and 12.9.1989 respectively brought the grievance to the notice of the respondent No.2. The Committee gave the suggestions which are mentioned as under:

- (a) To issue a Govt. letter for grant of financial benefits under FR- 22 C (Art. 156 A CSR) i.e. fixation of pay by granting the increment from the date of promotion with retrospective effect.
- (b) The Trade structure of each category to be studied separately and the cadre review carried out to have discreet pay scales for different grades in the same cadre.
- (c) Till such time the suggestion made at sub para b) above is implemented. Grant of increment suggested at sub para (a) should continue to be made applicable.

But no action is taken so far in the matter of cadre review. The matter is said to be under active consideration of the Government of India.

JULY 1/

...13...

15. The relevant rules applicable to the applicants were amended by the respondent No.1 on 14.2.1992 and a notification was published in the official Gazette on 21.3.1992. The new Rules named 'Crops of Electrical and Mechanical Engineers Recruitment (amendment) Rules 1992 making the Master Craftsman with 4 years service in the grade subject to passing trade test equivalent to Senior Chargemen for the purpose of the promotion to the post of Foremen is under challenge as the post of Chargemen is abolished by making them equivalent to the Senior Chargemen. The General Secretary of the applicants Association represented the matter on 1.2.1993, 2.2.1993.

16. Except the communication dated 15.7.1992 Annexure I, no communication regarding disposal of the representation by the respondents.

17. During the pendency of the OA the recommendation of Vth Pay Commission came which also recommended the Fourth Grade structure for the EME Workshop staff. The respondents are with a view to avoid the implementation, the respondent No.1 have issued a letter dated 21.1.1999 directed all concerned to make proposals for restructuring the Technical Supervisory Cadre on Functional Justification. Hence this OA for the above said reliefs.

JM / -

...14...

18. The respondents resisted the claim of the applicants and alleged that the prayer as contained in para 8(a) is vague, they demanded cadre review, challenged the vires of the Crops of Electrical and Mechanical Engineers Recruitment (Amendment) Rules 1972 and pay revision which are plural remedies violative of Rule 10 of C.A.T. (Procedure) Rules 1987. The revision of scales of pay and the cadre review are functions within the domain of the Central Government, the Recruitment Rules are just and fair, not arbitrary or violative of any provisions of the Constitution. The prescription of any qualification for any post are within the competence of the Central Government under Article 309 of the Constitution with which the Tribunal cannot interfere. Even as per allegations of the applicants pay scales are revised by IIInd , IIIrd and IV Pay Commission, hence the further demand for revision is barred by analogous to the principles of res-judicata. The applicants cannot be permitted to reagitate the said issue.

19. It is alleged that the applicants cannot compare themselves with other Defence Establishments. Since there is not an iota of evidence about the duties and responsibilities of other employees in other Defence establishments.

20. The question of equal pay for equal work will have to be decided with reference to the same establishment and not with reference to employees in other establishments.

J.W. - ...15...

21. It is alleged that the facilities extended to recognised service association/unions cannot be extended to the office bearers, executive committee, member of the branch/union association. Thereby application is not tenable.

22. It is also alleged that the Technical Supervisory Cadre in the Crops of the EmE is a separate cadre. Thus there is no interrelation between Civilians and Military staff as they are two distinct cadres having different nature of duties, terms of engagement and service conditions.

23. The respondents alleged that the recommendation of the IIIrd Pay Commission stated as already established in the Crops of Electrical Mechanical Engineers which are mentioned in para 10 of the written statement. The requirement of the Supervisors is management function.

24. The applicant No.4, 5, 16, 24, 27, 28, 39, 49 and 50 have no cause as they have already been promoted to the post of Foreman before the notification of Revised Recruitment Rules vide SRO 44/92. The applicants at serial No. 1 to 3, 6 to 15, 17 to 23, 25, 26, 29 to 38, 40 to 45, 47, 48, 51 to 56, 58 to 60 entered into service after 1st January 1986 when the IV the Pay Commission recommendation were already in force. As such out of 60 applicants 54 have no cause of action.

25. After the IVth Pay Commission, with a view to provide more benefits, the Department of Personnel and Training, Government of India issued guidelines for cadre review in respect of Civilian employees Group 'B', 'C' and 'D' categories vide letter dated 23rd November 1987. Subsequently, Ministry of Defence constituted a cadre review committee vide their order dated 8th August 1990, which submitted the report and Four Grade structure have been recommended. The department is considering actively to provide all the cadre advancement and promotional benefits through a proper set up for Supervisory cadre.

26. Regarding Master Craftsman, a separate entity was created in view of deliberation of IIIrd Pay Commission, which had a pay scale equivalent to that of the Supervisory post and 10% identified workers were given this pay scale. Subsequently vide SRO No. 44 dated 14th February 1992 it was decided to promote them to Supervisory Cadre. This is not the Supervisory Post but it has been included alongwith the list of Supervisory Cadre.

27. The grievance of the applicants and their parent association which were relevant have already been referred to the Cadre Review Committee and the recommendations of the said Committee are under consideration of the Government of India.

JUB/

...17...

28. While implementing the recommendations of the IVth Pay Commission, the department was facing the problem as by refixing on promotion, hence the matter was referred to Ministry of Finance Department of Expenditure and the decision given by them on 25.9.1987 to obviate these difficulties. The post of Chargemen and Senior Chargemen will have to be merged and Master Craftsman which is having the same pay scale should not be promoted to the identical pay scale of Senior Chargemen. Based on the above direction, the proposal for revision of recruitment rules of Supervisory cadre was submitted and rules amended. Revision of recruitment rules is a continuous process and the revised rules takes care of the interest of Supervisors Technical.

29. The grievance of the General Secretary of the Association have been considered and they do not merit reconsideration. The decision regarding abolition of post of Chargeman has already been implemented. The duties of other Technical Supervisory staff of other workshop under the Directorate of EME are the same.

30. On the aforesaid allegation respondents prayed for dismissal of the OA alongwith costs.

J.M /

...18...

31. It is true that the applicants have claimed plural remedies which is in contravention of Rule 10 of the CAT (Procedure) Rules 1987, it is suffice to state that the applicants are at liberty to challenge the vires of the said Rules in other proceedings, if they are advised to file the same. Hence, no opinion is expressed on the vires of the 'Crops of Electrical and Mechanical Engineers Recruitment (Amendment) Rules 1972.

32. As the application is not only by the Branch of the applicants' Association but the applicants have been arrayed in their individual capacity also, the objection of the respondents, as pleaded, has no bearing regarding the maintainability of the OA.

33. We are not inclined to agree with the objection of the respondents that⁵⁴ applicants out of 60 have no cause of action for the reason that an employee after joining the service is entitled to agitate his rights, if any, on the basis of the facts prior to his joining in respect of pay scales etc. as he is the aggrieved person as soon as he joins the service.

34. Coming to the merits, the main contention of the applicants is that they are performing the ~~duties~~ which are similar in nature and at par in Defence Workshops Technical Supervisory staff. The applicants have not brought out any

details regarding the duties of Technical Supervisory staff - Defence Workshops. The entire claim therefore hinges around the fact whether the duties performed by the applicants are at par with Technical Supervisory staff in Defence Workshops.

35. The evaluation of duties and pay scales is not an area within the domain of judicial review. It is for the department or expert bodies to determine the same. The Apex Court through several judgements have cautioned Courts/Tribunals to resist from going into issue of equality of the posts and the fitment of the pay scales etc. OA 455/90 which has been decided by this Bench as per order dated 12.1.1999 wherein similar issue of claiming the pay scale was involved, was not entertained.

36. In 1984 SCC (L&S) 329 Delhi Veterinary Association v/s Union of India and others, the Apex Court has held that work of refixation of pay scale pertains to the Pay Commission. Even though Court *Prima facie* finds justification in petitioner's grievance regarding discrimination in pay and claim for equal pay for equal work, Court should not take up that question in isolation and undertake to refix the pay scale of the petitioners when the Pay Commission would be taking up the same matter soon having regard to all the relevant factors. The case in hand stands even on better footing for the reason that after filing of the OA which was filed on 15.3.1993, the recommendation of the *IVth Pay Commission* came, considered the grievance, dealt with the matter and recommended the Four Grade

JN/

...20...

:20:

structure. The said recommendation are not yet accepted by the Government of India. In the above circumstances, only it can be ordered that the Government of India to take decision as early as possible not beyond six months. Even in an earlier OA 627/98, filed by Kamal Prakash and others V/s Union of India, the Principal Bench of the Tribunal has passed the similar orders.

37. In the result, we allow the OA in part and direct the respondents to take a decision as early as possible not beyond six months regarding the grievances of the applicants in the present OA.

No order as to costs.

SLJ
(S.L.Jain)
Member(J)

NS

DSB
(D.S.Bawea)
Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Contempt Petition No.29/2003
in OA No.243/1993

25/4/2003

Shri R.K.Shetty, learned counsel for the applicant states that only yesterday some other orders have been passed by the authority giving benefits of the re-structuring cadre and that order of the Tribunal are complied with as far as the applicants are concerned.

Shri R.K.Shetty further states that he will be filing a short affidavit. Shri S.P.Saxena also says that he will verify the same from the applicants as to whether they have received the benefits.

List the case on 1/5/2003 for Final Hearing.

Copy of the order be given to Shri R.K.Shetty.

Sh
(SHANKAR PRASAD)
MEMBER(A)

AS
(A.S.SANGHVI)
MEMBER(J)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

CP No.13/2001 in
OA No.243/1993

1st May, 2003

Heard Shri S.P.Saxena for the applicant and Shri R.K.Shetty for the Respondents.

Shri R.K.Shetty learned counsel for the respondents submits that the order passed in the OA are fully implemented and after taking necessary decision in the matter, the respondents have given promotions to all the applicants, ~~but~~ Vide letter dated 30/4/2003, Lt.Col. P.K.Sharma has communicated that these 12 applicants whose names are ~~annexed~~ are given in the Annexure A to the letter are also promoted from Chargeman-II to Chargeman-I and this has become possible on account of implementation of Four Grade Structure. According to Shri R.K.Shetty, learned counsel for the respondents, this letter from the Lt.Col clearly ~~emphatically~~ ^{indicates} that the grievances of the applicants are redressed and all of them have been given promotion.

Shri S.P.Saxena learned counsel for the applicant however submits that the grievance of these 12 applicants cannot be said to have been redressed as they have been given promotion only to chargeman grade-I. According to him, the applicants have been agitating their case since 1993 and the grievance of these 12 applicants still remains un redressed as they are claiming ^{r as} posting the Assistant Foreman Cadre.

So far the directions given in the OA are concerned, we are conscious of the fact that the same cannot be said to have not been complied ~~to~~ by the respondents since the directions were only to the effect that the Government shall consider their cases and take a decision within six months. Subsequently, in the MP