

6

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 319/93

Transfer Application No:

DATE OF DECISION 15-6-94

C.V. Taral

Petitioner

Shri C. Nathan

Advocate for the Petitioners

Versus

Union of India Through G.M.

Respondent

India Government Mint & Ors.

Shri A.I. Bhatkar


Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri B.S. Hegde, Member(J)

The Hon'ble Shri

1. ~~Whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? No
3. ~~Whether their Lordships wish to see the fair copy of the Judgement ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ? No


(B.S. Hegde)
Member(J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. 319/93

Shri C.V.Taral

..

Applicant

vs

Union of India
Through General Manager,
India Government Mint
and another.

..

Respondents.

Coram : Hon'ble Shri B.S.Hegde, Member (J)

Appearance:

Shri C.Nathan, counsel
for the applicant.

Shri A.I.Bhatkar for
Shri M.I.Sethana counsel
for the respondents.

Dated: 15-6-94

Oral Judgement

(Per B.S.Hegde, Member(J))

Heard arguments of both the counsels.

Perused the records. The short point for consideration whether the applicant is entitled to advance his increments w.e.f. 1-2-86 from that ^{of} junior Shri S.L.Mutatkar, who was drawing higher pay from that date to the pay revision. The respondents had not adhered to the request of the applicant and rejected the request vide letter 2-9-92 to step up the pay with advance increments to that of juniors in the scale. The applicant have raised this grievance in the petition.

Admittedly, the applicant was promoted from 1-4-84 and his pay was fixed at Rs. 330/-. Similarly Shri Mutatkar Tradesman Gr.I Tin Smith was promoted to the grade w.e.f. 26-2-85 and his pay also fixed at Rs. 330/-. In order to appreciate the difference between two pay scales / Annexure 'A' it is necessary to narrate as quoted below:-


Learned counsel for the applicant Shri Nathan draws my attention to the seniority list of Tradesman Gr.II pertaining to the same cadre. When they got promotion to the Grade I, persons belonging to the various trades gets merged into one cadre. This statement is refuted by Shri A.I.Bhatkar counsel for the respondents stating that there is Gr.I separate seniority list of each Trade is maintained and has shown the various names maintained by the department for my perusal. However, on verification of the records it is seen that the respondents have maintained separate seniority list of Tradesman Grade I with various trades. I do not find any common seniority list maintained by the department for Grade I Tradesman for the purpose of further promotion to the Asstt. Maistry/Maistry. When query was made to learned counsel for the respondents why common seniority list of Grade I was not maintained he after verifying from the department submitted that names of persons in Gr.I Tradesman is normally submitted at the time of considering for the promotion post of Asstt. Maistry/Maistry and DPC will take into account the service records of persons eligible to be considered. The practice in vogue does not appear to be reasonable and also not in consonance with any principles of law and rules. Hence, such a stand is not tenable.

In this connection learned counsel for the applicant Shri Nathan produced a copy of the form attached to the rejoinder stating that Shri S.L. Mutatkar joined service 4 years later to the applicant, therefore, the question of his drawing higher pay does not arise. He also stated that in para 5 letter dated 1-2-86 that he was drawing less pay than his juniors and pay should be advanced to that of his juniors

which is in conformity with the CCS CCA Rules. He has also drawn my attention to the letter dated 17th Oct. 1986 wherein, the Chief Accounts and Administrative Officer has taken a stand that pay fixation under the above rules was subject matter of dispute in ALC's Office, while reviewing the fixation and grant of increment to Shri Taral that he is drawing lesser salary than his junior. In view of the above, the incremental date of Shri Taral may be advanced to the date of increment of Shri Mutatkar on 1.2.1986 raising his pay to Rs. 1230/- from 1.2.1988 and Rs. 1260 from 1.2.1987 and Rs. 1290/- from 1.2.1988 instead of the dates of increment already sanctioned, which is in conformity with the CCS(RP) Rules 1986.

The stand taken by the department in pursuant to the directions of the Labour Commissioner, that Boiler Maker, Tin Smith, Welder, Plumber are different trades is not found to be correct. The provisions of CCS(RP) Rules 1986 are applicable to the persons belonging to the same cadre. Admittedly, Shri Taral is much senior than Shri S.L. Mutatkar and therefore, denial of the advance increments to that of his junior on the ground that they do not belong to the same cadre does not appear to be justified. It is stated by the Respondent that for the purpose of different trades, respondent should have prepared a common seniority list of persons from various trades, which is not done in this case and for the purpose of further promotion to Asstt. Mistry/Mistry the Respondents can

consider persons who are found to be eligible for the aforesaid posts, provided they prepared a common seniority list of all trades. Therefore, the contention of the respondents that the applicant does not belong to the same cadre, is not correct. In the light of above, Annexure-F is hereby quashed and set aside and the O.A. is allowed accordingly but no order as to costs.


(B.S. Hegde)
Member(J)

k