

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CAMP AT NAGPUR
O.A.707/93

THURSDAY the 21st day of MARCH 1996

CORAM: HON'BLE SHRI B.S.HEGDE, MEMBER(J)
HON'BLE SHRI M.R.KOLHATKAR, MEMBER(A)

Ayudh Nirmani Mazdoor Sangh
through
General Secretary,
Shri S.M.Batwe,
and two ors.

(By advocate Shri Y.B.Phadnis) .. Applicants

-versus-

Union of India & two
Ors.

(By counsel Shri M.G.Bhangade) .. Respondents

O R D E R

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

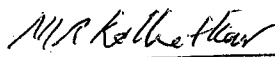
Heard Mr.Y.B.Phadnis for the applicants
and Mr.M.G.Bhangade for the respondents. In this
O.A. the applicants have sought a declaration
that the seniority published and circulated on
21-11-92 is illegal and deserves to be quashed
and also to grant the pay scale of Rs.260-400
to the applicants w.e.f. 16-10-1981 and pay
consequential monetary benefits from 16-10-81.

2. Learned counsel for the respondents
draws our attention to the reply filed wherein
at para 10 it is stated that action has already
been taken to upgrade those applicants who were
in occupation of semi-skilled grade as on 16-10-81
in terms of Mins. of Defence O.M. No.17(5)/89-D
(Civ-I) dt. 19-3-93. There are 24 applicants in,


this O.A. Out of this applicants at Sl.No.7,16,17, 18 and 21 of the list are not entitled to the benefits of upgradation and are not in the semi-skilled grade as on 16-10-81. In support of his contention the respondents have relied on the judgment of the Supreme Court in the case of Association of Examiners, Muradnagar Ordnance Factory vs. Union of India & Ors., 1993(SCC(L&S)587 wherein the apex court has directed, relying on the ratio of same court's decision in the case of Bhagwan Sahai Carpenter v. Union of India (1989)2 SCC 299, to verify the service records of those employees and grant the benefit to those who were in position on October 16, 1981.

In the light of above observation those five persons who were not holding the post of semi-skilled grade as on 16-10-1981 could not be given the revised grade.

3. In the circumstance, we do not find any merit in the O.A. and the same is dismissed.


(M.R.KOLHATKAR)
Member(A)

M


(B.S.HEGDE)
Member(J)

Issued Final order
dated 21/3/96 ~~by~~
on 19/4/96 by hand

egb
3/4/96.