CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.739/1998, O.A.108/2000,
O.A.110/2000 and O.A.111/2000

Mumbai this the 2nd day of December, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J).
Hon'ble Smt. Shanta Shastry, Member (A).

1. O.A. 739/98.

1. Gajanan Ramchandra Onkar, Major,
2. Prakash Eknath Shinde, Major,
3. Shridhar Ranganathrao Joshi, Major,
4. Rajendra Narayan Bhalerao, Major,
5. Arun Uttamrao Bhavsar, Major,

(All working as UDC at Central Stamp Depot,
Indian Security Press, Nasik Road-422101). ... Applicants.

(By Advocate Shri S. Karkera)

Versus

1. The Union of India, through
the Secretary, Ministry of Finance,
Department of Economics Affairs,
New Delhi.

2. The General Manager,
India Security Press, Nasik Road.

3. The General Manager,
Currency Note Press, Nasik road.

4. India Security Press and Currency Note,
Press Staff Union, through its
President Shri Udayrao Patwardhan,
having its office at near ISP
Green Gate, Nasik Road 422 101.

5. The Deputy Controller of Stamps,
Central Stamp Depot,
Nasik-Road. ... Respondents.

(By Advocate Shri V.S. Masurkar)

2. O.A. 108/2000

1. T.P. Sheshadri, UDC,
2. Rangnath Rajaram Patil,UDC,
3. Sudam Baburao Dharrao, UDC,
4. Tukaram Muralidhar Dhage, UDC,
5. Ramesh Gangadhar Pingte, UDC,
6. Bhaskar Srimantrao Rokhale, UDC,
7. Sanjay Govind Mulay, UDC,
8. Jankiram Natha Ingole, UDC,
9. Shashikant Jagorao Khobragade, UDC,
10. Rajendra Narayanrao Parate, UDC,
11. Wamanrao Tulsiram Moundekar, UDC,
12. Arun Murlidhar Jadhav, UDC,

13. Shivaji Baburao Thalkar, UDC,
14. P.K. Mohanan, UDC,
15. Harirajendran Krishnan Nair, UDC,
16. Sadashiv Shravan Meher, UDC,
17. Ramesh Gangadhar Bhat, UDC,
18. Prabhakar Murlidhar Jadhav, UDC,
19. Dattaraya Yashawant Kahandal, UDC,
20. Nitin Raghunath Edke, UDC,
21. Nityanand Vaman Naik, UDC,
22. Pradip Punjaji Jadhav, UDC,
23. Harish Shantaram Rode, UDC,
24. Kalyan K.N. Nair, UDC,
25. Gopal Chellappa Subramaniam Iyer, UDC.

(All working as UDC at Central Stamp Depot, Indian Security Press, Nasik Road-422101). ... Applicants.

(By Advocate Shri S. Karkera)

Versus

1. The Union of India, through the Secretary, Ministry of Finance, Department of Economics Affairs, New Delhi.

2. The General Manager, India Security Press, Nasik Road.

3. The General Manager, Currency Note Press, Nasik road.

4. India Security Press and Currency Note, Press Staff Union, through its President Shri Udayrao Patwardhan, having its office at near ISP Green Gate, Nasik Road 422 101.

5. The Deputy Controller of Stamps, Central Stamp Depot, Nasik-Road. ... Respondents.

(By Advocate Shri V.S. Masurkar)

3. **O.A.110/2000**

1. Rajendra Vasant Gorwadkar, LDC,
2. Prakashkumar Krishnarao Lakhe, LDC,
3. Sudham Malaji Mahajan, LDC,
4. V. Sundararaman, LDC,
5. Ashok Gulabchand Bafna, LDC,
6. Smt. Rekha Dinesh Bundela, LDC,
7. Anna Gangadhar Arne, LDC,
8. Umeshchandra Rameshchandra Rathod, LDC,
9. Smt. Kalpana Vishram Nile, LDC,
10. Smt. Vaishali Trambak Avhad, LDC,
11. Smt. Kalpana Balasaheb Mogal, LDC,
12. Ashok Arun Dev, LDC,
13. Vamsi Mohan Tallam, LDC,
14. Smt. Hemshri Ravindra Jadhav, LDC,
15. Aditya Damodar Karmarkar, LDC,

16. Harish Jalahsing Pawar, LDC,
17. Smt. Pratibha Vilas Balkavade, LDC,
18. Smt. Mangala Sadashiv Jadhav, LDC,
19. Sanjay Kashinath Kamble, LDC,
20. Sunil Chimaji Chandramore,LDC,
21. Sagar Ramdas Yeola, LDC,
22. Madhukar Shankar Golesar, LDC,
23. Nikhil Ramesh Mate, LDC.

(All working as LDC at Central Stamp Depot, Indian Security Press, Nasik Road-422101). ... Applicants.

(By Advocate Shri S. Karkera)

Versus

1. The Union of India, through the Secretary, Ministry of Finance, Department of Economics Affairs, New Delhi.

2. The General Manager, India Security Press, Nasik Road.

3. The General Manager, Currency Note Press, Nasik road.

4. India Security Press and Currency Note, Press Staff Union, through its President Shri Udayrao Patwardhan, having its office at near ISP Green Gate, Nasik Road 422 101.

5. The Deputy Controller of Stamps, Central Stamp Depot, Nasik-Road. ... Respondents.

(By Advocate Shri V.S. Masurkar)

4. O.A. 111/2000.

1. Gopalan Muralidharan Nair, UDC,
2. Vilas Raghunath Gholap,UDC,
3. Francis Yeshia Guruswamy, UDC,
4. Prashant Bhalchandra Wasnik, UDC,
5. Shailesh Gangadhar Kamble, UDC,
6. G. Thiyagarajan, UDC,
7. Jagannathan Baskaran, UDC,
8. Melanathur Venkataramana, UDC,
9. G. Santhanam, UDC,
10. Ganesh Rapeti, UDC,
11. K. Ramamohan, UDC,
12. Usmankahan G. Pathan, UDC,
13. Yunus Abdulgani Shaikh, UDC,
14. Ravindra Shridhar Wadnere, UDC,
15. Jayant Vasant Deshpande, UDC,
16. Abdul Ajij Babumiya Sayyad, UDC,
17. Vasant Nivrutti Ghaiwate, UDC,
18. Prakash Kacharu Ghegadmal, UDC,
19. Sudhakar Malhari Unhawane, UDC,
20. Vasant Ganpat Dhanawate, UDC,

Masurkar, learned counsel for the respondents, the aforesaid four Original Applications are being disposed of by a common order. The facts in O.A.739/1998 have been referred to below for the sake of convenience as this is the O.A. referred to by both the learned counsel.

3. There are 5 applicants in O.A.739/1998, 25 in O.A.108/2000, 23 in O.A.110/2000 and 25 in O.A.111/2000, respectively, totalling 78 applicants. They are aggrieved by the order issued by the respondents dated 14.8.1998 (Annexure A). In this order, for appointment to the posts of Assistant Inspector (Control) (AIC)/Assistant Inspector (AI) at India Security Press (ISP), Currency Note Press (CNP) and Central Stamp Depot (CSD), it has been stated that a Memorandum of Understanding has been signed on 15.7.1998, copy of which has been placed at Annexure R-3 to the counter affidavit filed by the respondents. It is noticed that this Memorandum of Understanding has been arrived at between the management of ISP, CNP and CSD and ISP/CNP Staff Union for promotion policy for AIC/AI. It is further noticed that the proposal for promotion to the posts of AIC/AI has been done for a period of five years i.e. upto 30.6.2003, subject to review and revision by the Management, in consultation with the Staff Union. It is further relevant to note that a similar Memorandum of Understanding had taken place between the Management and the Staff Union of ISP and CNP in 1973 and the present policy decision has been taken in 1998 after a period of about 25 years, to change the ratio of the existing procedure for

arbitrary, unreasonable and discriminatory. He has, therefore, prayed that the policy decision taken by the respondents should be quashed and set aside and they be ordered to revert back to the earlier ratio of 1:1:1.

5. We have seen the reply filed by the respondents and heard Shri V.S. Masurkar, learned counsel. The respondents have controverted the above submissions of the learned counsel for the applicants. According to the learned counsel, the aforesaid impugned order has been issued in pursuance of the Memorandum of Understanding between the management and the concerned ISP and CNP Staff Union for promotion to the posts of AIC and AI. In this Memorandum, it has been noted that the President of the ISP/CNP Staff Union itself has suggested review and revision of the earlier policy which had been ~~invoked~~ vogue from the year 1973. The present policy of proportioning the promotions among the concerned units under the same Ministry has been done in consultation with the concerned staff Union and is to remain in force for a period of five years, i.e. upto 30.6.2003 when it is again subject to ~~any~~ review or revision between the management and the concerned staff Union. He has also submitted that the management has taken into account the needs of the various units, the staff strength in those units and other relative factors before modifying the ratio to 2:2:1 from the earlier ratio which had been applied for over 25 years. Shri V.S. Masurkar, learned counsel has, therefore, submitted that there is nothing arbitrary, illegal or discriminatory in the Memorandum issued by the respondents dated 14.8.1998 and has prayed that the O.A. should be dismissed.

6. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

7. The Hon'ble Supreme Court in Tata Cellular's case (supra) has held as follows:

> "...The duty of the court is thus to confine itself to the question of legality. Its concern should be:
>
> 1. Whether a decision-making authority exceeded its powers?
>
> 2. committed an error of law,
>
> 3. committed a breach of the rules of natural justice,
>
> 4. reached a decision which no reasonable tribunal would have reached or,
>
> 5. abused its powers.
>
> Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfilment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds upon which an administrative action is subject to control by judicial review can be classified as under:
>
> (i) Illegality: This means the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it.
>
> (ii) Irrationality, namely, Wednesbury unreasonableness. It applies to a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arried at. The decision is such that no authority properly directing itself on the relevant law and acting reasonably could have reached it.
>
> (iii) Procedural impropriety".

8. From the facts mentioned above, it is clear that before the impugned order dated 14.8.1998, the management had held discussioons with the concerned Staff Union and had also arrived on a Memorandum of Understanding dated 15.7.1998. We are not

impressed by the submissions made by Shri S. Karkera, learned counsel for the applicants that even though admittedly, the applicants in the above four O.As are members of the ISP and CNP Staff Union, the Union has not taken care of their particular interests. It cannot also be held that the earlier promotional ratio among the staff in ISP, CNP and CSD for the posts of AIC/AI which has held the field from the year 1973 i.e. in the proportion of 1:1:1 should not be changed at all. That policy decision has been a matter of review after a period of 25 years between the management and Respondent No.4, that is the Staff Union. The decision taken in the Memorandum of Understanding cannot, therefore, be held to be either arbitrary, illegal or unreasonable justifying any interference in the matter. Following the judgement of the Hon'ble Supreme Court in Tata Cellular's case (supra), we do not see that the aforesaid impugned decision of the respondents either in the Memorandum of Understanding or in the impugned order dated 14.8.1998 is vitiated by arbitrariness, unfairness and illegality or irrationality which justifies any interference in the matter. The decision to alter the proportion for promotion to the posts of AIC and AI has been done after due deliberations, taking into account all the relevant factors and after consultation with the Staff Union, to which all the applicants belong. It is also relevant to note that the learned counsel for the respondents has submitted that while in the case of ISP, there are 59 UDCs, in the case of CNP there are 50 UDCs and in the case of CSD to which the applicants belong there are only 39 UDCs. We are also informed that while the total membership of the ISP and CNP Staff Union is about 1000, there are only 110 members of the CSD to

which the applicants belong, out of whom 78 applicants have approached this Tribunal. It is not the case of the applicants that these relevant factors have not been taken into account by the respondents while arriving at a fresh decision which is to hold the field for a period of 5 years, that is upto June, 2003 when the same is again open for revision. Therefore, on this ground also, we find no justification to set aside the impugned order.

9. In the result, for the reasons given above, as we see no merit in these applications (O.A.739/1998, O.A.108/2000, O.A.110/2000 and O.A.111/2000), they fail and are accordingly dismissed. No order as to costs.

10. Let a copy of this order be placed in O.A.108/2000, O.A.110/2000 and O.A.111/2000.

(Smt. Shanta Shastry)
Member (A)

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

'SRD'