

(65)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

D.A.No. 983/89

~~T.A.No.~~

Dt. of Decision: 25-2-93.

G. Nagaraju & 17 others Petitioner

N. Ram Mohan Rao Advocate for
the Petitioner
(s)

Versus

001 rep. by Scientific Adviser to Defence
Ministry & Secy., DRDO, m/o defence, New Delhi
and 3 others Respondent.

N. R. Devaraj Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. Justice V. Neeladri Rao, Vice-Chairman

THE HON'BLE MR. R. Balasubramanian, Member (Admin)

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

evl/

HUNRJ
VC

HRBS
M(A)

(66)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.983/89

date of decision : 25-2-1993

Between

1. G. Nagaraju
2. Vijayakumar
3. G.G. Das
4. Mir. Shamushuddin
5. G. Anand
6. D. Bhavani Shanker
7. S. Aleemuddin
8. B. Surendran
9. G. Ballesha
10. A. P. Padmanabhan
11. B. Dayananda Reddy
12. S. Hameedulla
13. Yadagiri
14. My. Benjamin
15. P. Moss
16. J. Emmanuel
17. K. Nagender
18. N. Ratnam

: Applicants

and

Union of India, rep. by its
Scientific Adviser
to Defence Minister & Secretary
Defence Research & Development Orgn.
Ministry of Defence
New Delhi

2. The Director General
Defence Research & Dev. Orgn.
Defence HQ, New Delhi

3. Joint Controller of Defence Accounts
DRDL Campus, Kanchenbagh
Hyderabad 500058

4. The Director
Defence Research & Dev. Lab.
Kanchanbagh
Hyderabad 500 0258

: Respondents

Counsel for the Applicants

: N. Ram Mohan Rao, Advocate

Counsel for the Respondents

: N.R. Devaraj, SC for Central Government

[Handwritten mark]

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

Judgement

(Orders as per Hon. Mr. Justice V. Neeladri Rao, VC)

All the eighteen applicants are now working as Chargeman Grade II in DRDL. They have originally joined service as industrial labourers and they are gradually promoted to the post of Tradesman-A. When they were Tradesman-A, they were taken in as Master Craftsman. When they were working as Master Craftsman, they were promoted to the posts of Chargeman Grade II.

2. The revised pay scales as per the Recommendations of the IV Pay Commission had come into force w.e.f. 1.1.1986. The scales of Tradesman-A, Master Craftsman, and Chargeman Grade II, prior to and from 1-1-1986 are as under :

	<u>Prior to 1.1.86</u>	<u>From 1-1-1986</u>
Tradesman-A	Rs.380-12-500-EB-15-560/-	Rs.1320-30-1560-EB-40-2040/-
Master Craftsman	Rs.425-15-560-EB-20-640	Rs.1400-40-1800-EB-50-2300
Chargeman Grade II	Rs.425-15-500-EB-15-560-20-700/-	

Prior to 1-1-1986 when an employee working as Master Craftsman was promoted to Chargeman Grade II, the benefits under FR 22(c) was given in fixing the pay of such an employee on promotion as Chargeman Grade II. But such benefits were not extended for those employees promoted as Chargeman Grade II on order after 1-1-1986, when by the date of promotion such

employee was working as Master Craftsman. This OA was filed praying for the benefits under Section FR 22(c) for those applicants who are promoted to Chargeman Grade II subsequent to 1-1-1986.

3. While it is urged for the applicants that the responsibility^{ies} that are to be shouldered as Chargeman Grade II are more than the responsibility^{ies which} that had to be borne while working as Master Craftsman, they are entitled to the benefit of FR 22(c), even though the scales of pay for both the Master Craftsman and Chargeman Grade II from 1-1-1986 are identical. It is submitted for the respondents that even though the scale of Master Craftsman was given to the applicants, they continued to be the employees in the cadre of Tradesman-A and ^{Key was given} promotion from Tradesman-A into Chargeman Grade II and there is no separate cadre like Master Craftsman and it is not a feeder cadre to the post of Chargeman Grade II.

4. By the date this OA was filed, the pay of these applicants was fixed in Chargeman Grade II with reference to their pay in the pay scales of Master Craftsman. But it was realised by the respondents that there would be anomaly if benefit under FR 22(c) is given for one who was promoted to ~~some~~ Chargeman Grade II while he was working as Tradesman-A and when the benefit under FR22(c) was not given for one who was working as Master Craftsman was promoted as Chargeman Grade II. Then the Ministry of Defence Research and Development Organisation, Directorate of Personnel, B-Wing, New Delhi, addressed a letter dated 2-2-90 to the Director DRDL, Hyderabad, wherein it was stated that when a Master Craftsman was promoted as Chargeman Grade II his pay should

be fixed with reference to his ^{presumption} ~~present~~ pay as Tradesman-A ^{for} ~~giving benefit~~ under FR22(c), and not on the basis of pay of Master Craftsman. The same was reiterated by way of clarification, issued by the Ministry of Defence Research & Development Organisation.

5. We feel that the method adopted in fixation of the pay of the employee in the post of Chargeman Grade II, when that employee was promoted while working as Master Craftsman, as referred to in the letter dated 2-2-1990 ^{is} as just and equitable ~~for the reasons given~~. It is stated for the respondents that there is no separate cadre like Master Craftsman though a special scale is given for Master Craftsman. That special scale is provided to give it as ^{only} an incentive ~~only~~ to such of the Tradesman in Category A, who were found to be ^{highly} ~~very~~ skillful. It is not a case of promotion from the post of Tradesman-A to Master Craftsman. In case of Promotion, the seniority alone or the seniority alongwith merit had to be taken into consideration. But in introducing this scheme, whereby an higher scale ~~had to be~~ ^{is} provided to Master Craftsman, the seniority was not taken into consideration. Thus there is force in the submission for the respondents that even when the employees ^{were} ~~are~~ getting scale of Master Craftsman, they continue to be in the cadre of Tradesman-A. ^{This is} ~~As such this~~ reinforced in view of the fact that ~~when~~ the Master Craftsman were considered for promotion to Chargeman Grade II, only when their turn in Tradesman-A had come. Thus the seniority was fixed in regard to Tradesman-A. No separate seniority was fixed in regard to Master Craftsman. Thus, an employee ^{even} ~~when~~ while working as Master Craftsman retained his seniority in Tradesman-A and

To

1. The Scientific Adviser to Defence Minister & Secretary, Union of India, Defence Research & Development Organisation, Ministry of Defence, New Delhi.
2. The Director General, Defence Research & Development Organisation, Defence HQ, New Delhi.
3. The Joint Controller of Defence Accounts
D.R.D.L. Campus, Kanchanbagh, Hyderabad-58.
4. The Director, Defence Research & Development Laboratory,
Kanchanbagh, Hyderabad-258.
5. One copy to Mr. N. Rammohan Rao, Advocate, CAT. Hyd.
6. One ~~XXXXXX~~ copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
7. One spare copy.

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he was considered for promotion to Chargeman Grade II only when his turn in Tradesman-A comes. It means that such of the employees who are seniors to the employee working in Master Craftsman, ~~even though the former are not working as Master Craftsman~~ was considered for promotion to the post ~~even though he now worked as master craftsman~~ of Chargeman Grade II. Thus, it is a case where Tradesman-A alone is eligible for promotion to the Chargeman Grade II ~~by~~ ~~twice~~ and the Master Craftsman is not a feeder post.

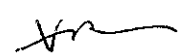
6. Heard Mr. N. Ram Mohan Rao, learned counsel for the applicants and Mr. N.R. Devaraj, learned counsel for the respondents.

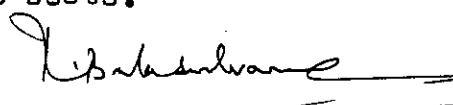
7. By adopting the procedure ^{refused to in letter dated 2-2-93}, there will be no scope for ^{any} anomaly, and even if ~~then~~ anomaly arises, it is a case of anomaly that generally arises in fixation of pay on the basis of Revised Pay scales. It is needless to say that in such cases stepping up of pay had to be followed whereby the pay of the senior ^{has} ~~have~~ to be stepped up ^{to} ~~as~~ that of the pay of the junior, ^{if} everything is equal.

8. Hence, the only order to be passed now is to direct the respondents to fix the pay of the applicants in the posts of Chargeman Grade II with reference to their ^{presumptive} ~~present~~ pay ~~at~~ ^{and then} Tradesman-A under FR 22(c) ^{has to be given}.

9. The above direction had to be implemented by 15-8-1993.

10. The OA is ordered accordingly. No costs.


(V. Neeladri Rao)
Vice-Chairman


(R. Balasubramanian)
Member (Admn)

Dated : February 25, 93
Dictated in the Open Court

sk


Deputy Registrar (5)

TEMPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO : V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY
: MEMBER (J)

AND

THE HON'BLE MR.

DATE: 25-2-1993

ORDER/JUDGMENT:

R.P./C.P/M.A. No.

in
A.No. 983/89.

T.A.No.

(W.P.No.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

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Central Administrative Tribunal
DESPATCH

15 MAR 1993

HYDERABAD BENCH.