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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A. NO. 32/90

Dt. of Decision 29.3.1993

PLAINTIFF

D.Rangaraju and 13 others.

Petitioner

Mr.P.B.Vijaya Kumar

Advocate for
the petitioner
(s)

Versus

The Secretary to Govt., Ministry of Defence,
New Delhi and 2 others.

Respondent.

Mr.N.V.Ramana

Advocate for
the Respondent
(s)

CORAM

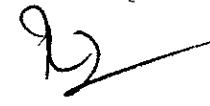
THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.R.BALASUBRAMANYAN : MEMBER (ADMN.)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
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?
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.)

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(42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 32/90

Date of Order: 29.3.1993

BETWEEN :

1. D.Rangaraju
2. B.Y.Achāri
3. P.Rama Rao
4. P.Kamalakar
5. A.Pratap Singh
6. Mohammed Moinudein
7. P.Prakasam
8. Ravinder Hadnooker
9. K.Sivasubramanyam
10. P.Manmohanarao
11. A.B.R.V.Prasada Rao
12. M.Mudasar Ali Khan
13. L.Shivappa
14. P.Kalidas Prasad.

.. Applicants.

A N D

1. The Secretary to Government,
Ministry of Defence, Seva Bhavan,
New Delhi.
2. The Scientific Advisor to Raksha Mantri,
Ministry of Defence, Seva Bhavan,
New Delhi.
3. The Director, Defence Research &
Development Laboratory, Kanchanbagh,
Hyderabad - 500 258.

.. Respondents.

Counsel for the Applicants .. Mr.P.B.Vijaya Kumar

Counsel for the Respondents .. Mr. N.V.Ramana

CORAM:

HON'BLE SHRI JUSTICE. V.NEELADRI RAO : VICE-CHAIRMAN

HON'BLE SHRI R.BALASUBRAMANYAM : MEMBER (ADMN.)

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Order of the Division Bench delivered by
Hon'ble Shri Justice. V.Neeladri Rao : Vice-Chairman.

All these 14 applicants are worked as Foreman.
They are in the revised pay scale of Rs.2375-3500. The Foreman
is one of the Feeder Post for JSO which carries the revised
pay scale of Rs.2000-3500.

2. This application is filed praying for the following
reliefs:

1. to declare the letter dated 8.11.1988 (SRO 13E)
Defence Research and Development Organisation (Junior Scientific
Officer) Recruitment Rules, 1980 in so far as it relates to
column 11 reading as under as illegal and void:

2. In the Schedule to the Defence Research and development
Organisation (Junior Scientific Officer) Recruitment
Rules, 1980 for the entry in column 11 the following entry
shall be substituted viz.,

(i) Promotion: Foreman, Chief Draughtsman and
Senior Scientific Assistant, Assistant with
five years regular service in the respective
grade in the following ratio:

1. Foreman 10%
2. Chief Draughtsman 7%
3. Senior Scientific Assistant 83%

(ii) to issue a direction to respondents to refix the
ratio on the basis of revised number of posts
in ~~each~~ each cadre and consider the combined
seniority of Chargeman Grade-I, Assistant
Foreman and Foreman for promotion to the
post of JSO on par with SSAs by taking into
consideration the pay scales of both Scientific
staff and Technical Staff retrospective in order
to remove arbitrariness.

(iii) to consider the applicants, Foreman who are already in the grade of 2375-3500 for promotion to a next higher ~~ex~~ scale of pay than JSO (2000-3500) and further designate the post of Foreman as Gazetted with attendant benefits.

iv) to pass such other order relief for reliefs as this Hon'ble Tribunal may seem fit and proper in the circumstances of the case.

3. ⁽ⁱⁱ⁾ The reliefs ~~2(i)~~ & ~~2(ii)~~ are covered by the Judgement of the Bangalore Bench in ~~various cases~~ view of the same no further directions need be given in regard to the ^{above} reliefs in this O.A.

4. ^{No. 2 (iii)} The first limb of the ~~3rd~~ relief is to give direction to the respondents to ~~consider~~ the Foreman for consideration for promotion to the post of Scientist 'B' which carries the pay scale of Rs.2240-4000. But the same depends upon the ultimate decision ^{that is} going to be taken in regard to the pay scale ^{as} fixed for JSO. Further the Director General Research and Development by a letter dt. 23.2.1989 informed the Director, DMRL, Hyderabad that "the matter regarding making the post of Foreman as Gazetted on account of allotment of Scale of Rs.2375-3500 by the IV pay Commission and opening of their promotion avenue to the category of Scientist 'B' was referred to RD-Pers."

5. The learned counsel for the applicants had also drawn our attention to Notification No.12012/2/87-Estt(D) dated 30.6.1987 from Ministry of Personnel, P.C. & Pensions (Dept. of Personnel & Training) received under R&D HQRS letter No.26101/RD/PERS-10/88 dated 24th Feb '88 on the above subject ~~for~~ which was communicated ~~information of all concerned and the~~ relevant portion reads as follows.
"In exercise of the powers conferred by Rule 6 of

the Central Civil Services (Classification, Control & Appeal) Rules, 1985 and in suppression of para 2 of the Notification No. S.O.5041 dated the 11th November, 1975 published in the Gazette of India dated the 29th November, 1975 issued by the late Deptt., of Personnel & AR and after consultation with the Comptroller and Auditor General of India in relation to the Persons serving in the Indian Audit & Accounts Deptt., the President hereby directs that with effect from the date of issue of this order, all Civil posts under the Union shall subject to such exceptions as Government may, by any general or special order make from time to time be classified as follows:-

1. A Central Civil Post carrying a pay or a scale of pay with a maximum of not less than Rs.4,000/- Group A
2. A Central Civil Post carrying a pay or a scale of pay with a maximum of not less than Rs.2900/- but less than Rs.4,000/- Group B
3. A Central Civil Post carrying a pay or a scale of pay with a maximum of Rs.1150/- but less than Rs.2900/- Group C
4. A Central Civil Post carrying a pay or a scale of pay the maximum of which is Rs.1150/- or less. Group D

Provided that Posts created on or after 1st Jan, 1986 as specified additions to existing cadres shall have the same classification as posts in the cadre to which they are added.

Note: For the purpose of this order:-

- (i) 'Pay' has the same meaning assigned to it in FR 9(21) (a) (i).
- (ii) The pay or scale of pay of a post means the pay or scale of pay prescribed under the Central Civil Services (Revised Pay) Rules, 1986 as amended by Central Services (Revised Pay) Amendment Rules, 1987.

6. The learned counsel for the applicant had also drawn our attention to Letter No. AI/1036 dated 21.4.1992 addressed to Dte of Naval Armament Inspection, Naval Head quarters, West Block-V, RK Puram, New Delhi - 110 006 which reads as follows:-

"RE-CLASSIFICATION OF CHIEF DRAUGHTSMEN (Rs.2000-3200) EMPLOYED IN THE NAVAL ESTABLISHMENTS AS GROUP 'B' GAZETTED.

A copy of Govt. letter CP(NG)/2802/NHQ/118-RR/D(Appts) dated 27 Mar 92 relating to the re-classification of the Chief Draughtsmen in the pay scale of Rs.2000-3200 employed in Naval Establishments as Group 'B' Gazetted as approved by DOP&T vide their U.O.No.13016/1/90-Estt(D) dated 17 Dec 90 w.e.f. 01 Jan 92 are forwarded herewith for information."

~~basis of the above~~
On the ~~2~~ it was argued that even in regard to ~~employees in~~

~~Navy who are in a scale lower to the scale of Foreman are~~
~~assisted the Gazetted status was conferred.~~

7. Hence, R1 and R2 are directed to take ~~final~~ ~~a decision in one~~
~~way or other~~ ~~conferring~~
~~on the above matter i.e. about~~ ~~Gazetted status to the~~
~~Foreman and promotion avenue for Foreman to the category~~
~~of Scientist 'B' by the end of September.~~

O.A. is ordered accordingly. No costs.
Despatch a copy of this order ~~by~~ to the respondents by 8.4.93.

VR
(JUSTICE V.NEELADRI RAO)
Vice-Chairman

Isleader
(R.BALASUBRAMANYAN)
Member (Admn.)

Dated: 29th March, 1993

(Dictated in Open Court)

82/493
Deputy Registrar (J)

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To

1. The Secretary to Govt., Min.of Defence,
Seva Bhavan, New Delhi.
2. The Scientific Advisor to Raksha Mantri,
Ministry of Defence, Seva Bhavan, New Delhi.
3. The Director, Defence Research & Development Laboratory,
Kanchanbagh, Hyderabad-258.
4. One copy to Mr.P.B.Vijayakumar, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One spare copy.

pvm