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(33A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A.NO. 367/92

DATE OF JUDGMENT: 13.7.95

BETWEEN:

Brajesh Kumar

Applicant

AND

1. Union of India rep. by its
Secretary,
Ministry of Steel & Mines,
Dept. of Mines, New Delhi.
2. The Director General,
Geological Survey of India,
Calcutta.
3. The Deputy Director General,
Geological Survey of India,
Southern Regional Office,
Bundlaguda, Hyderabad-660.
4. The Director,
Map Printing Division,
Geological Survey of India,
Bundlaguda, Hyderabad.

Respondents

COUNSEL FOR THE APPLICANT: SHRI M.Rama Rao

COUNSEL FOR THE RESPONDENTS: SHRI NR Devaraj
Sr/Adkx.CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI A.B.GORTHY, MEMBER (ADMN.)

(24) (40)

O.A.NO.367/92.

JUDGMENT

Dt: 13.7.95.

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri M.Rama Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. This OA was filed praying for declaration that the action of the respondents in not creating promotional avenues to the post of Plate Maker on par with that of Press Operators, STA/Foremen which ^{for varying} contains equal qualification and identical duties in the same department, is arbitrary, illegal, discriminatory ^{and it also} which is against the Fundamental Rights guaranteed under Articles 14 and 16 of the Constitution of India.

3. The applicant is working as Plate Maker in the Map Printing Division. There is also a post of Press Operator in the same Division. The avenue of promotion for Press Operator is Manager. There is no avenue of promotion to the Plate Maker.

4. In Exhibit A-1 filed along with the OA, the comparative duties and responsibilities of the Plate Maker and the Press Operator are referred to. It is urged for the applicant that the duties of the Plate Maker are even more ^a arduous than the duties of the Press

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Operator. But while the pay-scale for the Plate Maker is only Rs.1400-2300, the pay scale of Press Operator is Rs.2000-3500. The applicant filed OA 516/92 praying for direction to the respondents to fix the pay scale of the Plate Maker on par with that of the Press Operator. We disposed of the said OA today by giving direction to the respondents to place the relevant record before the 5th Pay Commission and ~~they were~~ ^{it was further} directed that the applicant should be given the pay scale of Press Operator the recommendation of the 5th Pay Commission till the revised pay scales on the basis of is going to come into effect, if the 5th Pay Commission is going to recommend the same pay scale for Plate Maker and Press Operator and if the Central Government is going to accept such a recommendation.

5. The duties of the Manager in this Map Printing ~~XXXX~~ Division are not referred to in the OA. In Para 4(c) of the OA, the following ground is made ie., "in the same manner when the work executed by the Plate Maker is similar to that of a Press Operator, the discrimination in the pay scale as well as creation of promotion channel is arbitrary, illegal, discriminative....." to claim that the same promotional avenue which is being given to the Press Operator has to be provided to the Plate Maker.

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6. The applicant already submitted representation dated 28.5.1986 (vide Annexure-A5) praying for creation of promotional avenue to the post of Plate Maker. The same was forwarded by the Director, Map Printing Division as per his memo dated 26.11.1991 (vide Annexure A6). The Senior Deputy Director General, Hyderabad forwarded it to the Director General, GSI, Calcutta by the letter dated 30.12.1991. The letter No. 5747-48/^{A20012/BK/87/78/16A,} dated 9.6.1992 is to the effect that the Director General, GSI referred to matter to the Ministry and till the post of Senior Technical Assistant (Litho) in GSI are sanctioned, no promotional channel can be opened for the post of Plate Maker.

7. The learned ~~xxx~~ standing counsel for the respondents submitted that there is insitu promotional scale for the incumbents of those posts for which there is no promotional avenue. But the learned counsel for the applicant submitted that when ~~xxxxxxxx~~ he stated in his representation that he is fit to discharge the duties of the Manager in MPD, the case of the applicant as Plate Maker for promotion to the post of Manager has to be considered, ~~and~~ if necessary, by amending the recruitment rules suitably, for it was held by the Supreme Court in AIR 1988 SC 1033 (Raghunath Prasad Singh Vs. Secretary, Home (Police) Department, Govt. of Bihar) that it is just and proper to provide atleast

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8. When the duties of the Manager ie., the Manager of the Printing Press in Map Printing Division are not placed before us, we will not even in a position to express our views in regard to the same. Further, when it is a case of assessment in regard to the technical grounds, the Director General is in a position to take a decision in regard to the same and if it is so necessary, he can make recommendation to the Government.

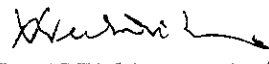
10. In the circumstances, the only direction that can be given is to require R-2 to consider as to whether a Plate Maker can discharge the duties of the Manager, Printing Press and if so whether he should not be allowed to be considered along with the Press Operators for promotion to the post of Manager, Printing Press, if ultimately the pay scale of the Plate Maker is going

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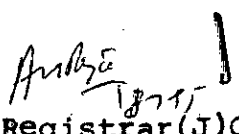
to be fixed on par with that of the Press Operator.
If R-2 comes to the conclusion that the Plate Maker cannot discharge the duties of the Manager, Printing Press, he has to consider as ~~task~~ to whether any suitable promotional avenue can be created keeping in view Para 4 of the judgment in AIR 1988 SC 1033 and Para 9 of the judgment in AIR 1989 SC 1972 cited supra.

11. The OA is ordered accordingly. No costs.//


(A.B.GORTHI)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN

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DATED: 13th July, 1995.
Open court dictation.


Deputy Registrar(J)CC

vsn

To

1. The Secretary, Ministry of Steel and Mines,
Union of India, Dept.of Mines, New Delhi.
2. The Director General, Geological Survey of India, Calcutta.
3. The Deputy Director General, Geological Survey of India,
Southern Regional Office, Bundlaguda, Hyderabad-660.
4. The Director, Map Printing Division, Geological Survey
of India, Bundlaguda, Hyderabad.
5. One copy to Mr.M.Rama Rao, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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