

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.167/93

dated 13-12-96

Between

Kedarnath

: Applicant

and

1. The Secretary
Min. of Defence
Govt. of India, Sena Bhavan
New Delhi 110011

2. The Director General of
Electrical & Mech. Engg (Civil)
Army Headquarters, DHQ, P.O.
New Delhi 110001

3. The Commandant
EME Centre, Secunderabad 500587 : Respondents

Counsel for the applicant : V. Venkateswara Rao
Advocate

Counsel for the respondents : N.V. Ramana
Addl. CGSC

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

HON. MR. B.S. JAI PARAMESWAR, MEMBER (JUDL.)



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herein. If the Expert Committee has specifically recommended that the Boot-makers are not entitled for Grade I and Grade II, then the applicant should be informed of it suitably. But the impugned letter does not indicate any reason for not granting them the higher scales. Further, if the higher grade post is to be created on the basis of percentage on the total number of posts in the grade it is not understood why the same percentage cannot be granted to the Boot-maker trade and the applicant herein. If the Expert Committee has given reason for denying higher grade posts to the Boot-maker trade the same should also be informed to the applicant. The letter dated 15-10-1984 clearly indicates that in case the number of posts do not lend itself for prescribing percentage in higher scale as the cadre is small then the equitable posts in similar category have to be clubbed so as to provide higher grade posts. It is not understood why on the same analogy, ^{by which} the trade of the applicant may also be considered for higher scale without restricting the higher trades only to five trades as indicated in Annexure-I. The letter dated 15-10-1984 indicates that all the categories mentioned in that letter are eligible for higher grade posts. That letter was issued as upgradation to Grade III. Initially it was granted to only 10 trades which was challenged and on the basis of the orders of Court all the other categories were also upgraded to Grade-III including that of Boot-makers.

6. In view of what is stated above, we are of the opinion that the reply given to the applicant by the impugned letter is incomplete and it ^{seems} ~~looks~~ that the authority gave the reply without looking into all those issues deligently.

Para-2 of the letter which is relevant is reproduced below :

"The Petitioner Sri Kedarnath, Boot-maker has been granted the pay scale of Rs.260-400 wef 22-8-1983 based on the CAT Hyderabad judgement. He is still Group 'D'employee (NCSUES Bootmaker) and cannot be considered as skilled grade at par with Industrial employees."

3. Aggrieved by the above he has filed this OA to set aside the impugned letter dated 27-10-92 and for a consequential direction to grant him scale of pay of Rs.330-480/1200-2040 and 380-560/1400-2660 attached to Highly skilled Grade I and Grade II with effect from the date on which he became eligible to that grade.
4. A reply has been filed in this OA. The main contention of the respondents in not providing the posts of Highly Skilled Grade I and Grade II to the Boot-makers is due to the fact that the Expert Classification Committee has not recommended that Grade to the Boot-maker trade and that Expert Committee has recommended only to five categories as indicated in Annexure I to the letter dated 15-10-1984.
5. - The impugned letter shows that he is still a Group-D employee whereas the letter dated 9-3-93 (vide No.506/EST/ETIV) indicates that Boot-makers who are in the Grade of Rs.260-400 are Group-C staff. Hence, the applicant should be treated as ^aGroup-C employee and not ^aGroup-D employee and the impugned letter showing the applicant as Group-D employee is incorrect and has to be corrected. Further, letter dated 15-10-1984 indicates percentages in the Highly skilled grade I and Grade II. It is not understood why that percentage cannot be made applicable to the applicant

7. In view of the above a direction may have to be given to the respondents to dispose of the representation of the applicant at Annexure-III in the light of the observations made as above and on the basis of the review if they are entitled for the higher grades the same should be considered in accordance with law.

8. In the result, the impugned order No.DG EME (CIV) AHQ L/No.B/21892/66/EME Civ.3 dated 27-10-1992 (Annexure-4) is set aside. Respondent No.2 is directed to issue a suitable reply to the representation of the applicant at Annexure-III on the basis of the observation made by us as above expeditiously preferably within four months from the date of receipt of this order. In pursuance of the above direction if the trade of Boot-maker is also made eligible for higher grades, suitable notification may have to be issued by Respondent-1.

9. OA is ordered accordingly. No costs.

10. (Memo No.506/EST/Civ dated 31-3-1993 is taken on record.)

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Amli
23-11-92

न्यायालय अधिकारी
COURT OFFICER
केन्द्राड प्रशासनिक अधिकरण
Central Administrative Tribunal
अदालत - बीड
MUMBAI BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A. NO. 767/97 IN O.A. 167/93.

Date of Order: 21-8-97.

Between

1. The Secretary,
Ministry of Defence, Govt. of India,
Sena Bhawan, New Delhi
2. The Directorate General of A.A. (M.A. Civ)
Army Headquarters, New Delhi
3. The Commandant 1 A.M. Centre,
Secunderabad.



and

Shri Kedarnath.

.. Applicants/Respondents.

.. Respondent/Applicant.

For the Applicants: Mr. V. Rajeswar Rao, Addl. C.S.C.

For the Respondents: Mr. V. Venkateswar Rao, Advocate.

Present:

THE HON'BLE MR. H. RAJESWARA P. RAO JUDGE & MEMBER (A.M.)

The Tribunal made the following Order:-

In view of the circumstances explained in the M.A. time is granted upto 8th September, 1997, as requested, for implementation of the judgment dated 13-12-1996.

SD/-x x

Deputy Registrar (S) J.

[Handwritten signature]
27/8/97