

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION-NO.187-of 1993

DATE OF ORDER:- 31st-December, -1996

BETWEEN:

- 1. V.B.Misra,
- 2. R.K.Pal,
- 3. Mohd.Karimuddin,
- 4. BSN Reddy,
- 5. Mohd. Saleem,
- 6. Mohd. Sharfuddin.

.. APPLICANTS

AND

- 1. The Secretary (Union of India),
Dept. of Atomic Energy,
New Delhi,
- 2. The Administrative Officer,
Nuclear Fuel complex,
Hyderabad 500 762,
- 3. The Chief Executive,
Nuclear fuel Complex,
Hyderabad 500762.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: SHRI PNA CHRISTIAN

COUNSEL FOR THE RESPONDENTS: SRI V.RAJESWAR RAO, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, ADMINISTRATIVE MEMBER

HON'BLE SHRI B.S.JAI PARAMESHWAR, JUDICIAL MEMBER

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Shri P.N.A.Christian, learned counsel for the applicants and Shri V.Rajeswara Rao, learned standing counsel for the respondents.

2. There are six applicants in this OA. The applicants in this OA are Motor Car Drivers under R-3.

They claim to be Tradesmen and they submit that they should be treated as technical staff and the promotional opportunities should be on par with the technical cadre staff. Their Association submitted a representation on 10.8.90 to the Chairman, Atomic Energy Commission requesting for declaration that their cadre should be treated as technical and hence the promotional terms may be revised as suggested in the enclosure 1 and 2 to the above said letter at Annexure-VII at page 22 of the OA. It is stated that no reply has been received to that representation. The present OA is filed praying for declaration that the applicants herein are technical workers employed in NFC and for consequential direction to the respondents to treat them as technical workmen and implement the promotion policy to them which shall be ~~the~~ same as that is applicable to Tradesmen Category of all other workmen employed in NFC and other consequential monetary benefits.

3. The main contention of the applicants in this OA is that they are discharging the technical functions and their category is treated as technical one by this Tribunal in OA 887/87 decided on 21.10.89. It is stated in the above judgement that the applicant who was a Grade-I Driver in that OA should be treated as Workman employed in NFC to get the benefit under FR 56-B. The applicant in that OA also submitted that his nature of duties entails him to be treated as technical as well as skilled one. The above contentions has been upheld by this Tribunal in the above

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referred OA. He also submits that in terms of the National Classification of Occupation which is enclosed as Annexure I, the Drivers are treated as technical staff. Hence they ^{submit} ~~pray~~ that the prayer as above has to be granted to them also.

4. A reply has been filed in this connection. The respondents submit that the Drivers are auxiliary staff and they cannot be treated as technical staff to grant them the benefit under FR 56-B and also grant them promotion on par with the technical industrial staff. However, they have referred this case to the DoP for necessary instructions as can be seen from Para 8 of the reply. They also submit that there is no change in the nature of duties ^{performed by L} to grant them merit promotion on par with the technical staff. Further, the contention of the respondents is that if the Drivers are treated as technical staff and the merit promotion is granted to them on par with the other industrial technical staff, then Telex/Telephone Operators, Typists etc. also can make similar claims.

Drivers the high grade

5. In view of the above submissions, we feel that a firm decision in this connection has to be taken by the respondents considering all the pros and cons. It is also stated that the representation of the NFC Union dated 10.8.90 is yet to be disposed of. In view of the above, it will be fair to give a direction to the respondents to consider the various points raised in this OA as well as the contentions raised in the representation dated 10.8.90

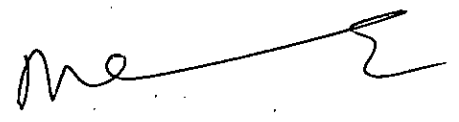
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and dispose of the case in accordance with the rules within a stipulated time schedule.

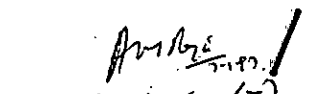
6. In view of what is stated above, we direct the appropriate respondent-authority to consider the issue in depth taking note of the contentions raised in this OA as well as the contentions raised in the representation of the NFC Union dated 10.8.90 enclosed as Annexure-VII to the OA and decide the issue in accordance with the rules expeditiously, preferably within six months from the date of receipt of a copy of this order and the applicants should be informed of the decision taken.

7. The OA is ordered accordingly. No order as to costs.


(B.S. JAI PARAMESHWAR)
JUDICIAL MEMBER
31/12


(R. RANGARAJAN)
ADMINISTRATIVE MEMBER

DATED: 31st-December, -1996
Dictated in the open court.


Dy. Registrar (S)

vsn



(12)

2-11/97

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(D)

DATED: 31/12/96

ORDER/JUDGEMENT

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

G.A.No.

IA-

187/93

~~ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
श्रेण / DESPATCH
17 JAN 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH