

80

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

R.A. 17/99
in

Date: 24, 3, 2000

O.A. 1354/96

Between:

1. P. Satyanarayana
2. Bh. Suraparaju
3. P.V. Ratnacharyulu
4. G. Prabhakara Rao
5. B. Vasantha Kumari
6. Ch. Madhava Sankar
7. S. Sai Kumari
8. R. Ramachandra Rao
9. B. Sarada Devi
10. P. B. Sarojini
11. VV Swarnalatha
12. PVS N Raju
13. PV N Raju
14. SSR Murthy
15. A. S. Prakasa Rao
16. L. Venkata Rao
17. K. Ramu
18. KP Roy

.. Applicants

A N D

1. The Union of India
Secretary,
DRDO Ministry of Defence,
New Delhi.
2. The Scientific Advisor to
Raksha Mantri &
Director General DRDO
Ministry of Defence, Govt. of India,
New Delhi.
3. The Director,
Naval Scientific & Technology
Laboratory,
Visakhapatnam.

.. Respondents

Counsel for the applicants : Shri S. Laxma Reddy

Counsel for the respondents : Shri B. N. Sharma

Coram:

Hon. Shri R. Rangarajan, Member (A)

Hon. Shri B. S. Jai Parameshwar, Member (J)

2

R.A. 17/99

in
O.A. 1354/96

Date:

O R D E R

(Per Hon. Shri B.S. Jai Parameshwar, Member (J))

The applicants have filed this application praying to review the order dt. 3-2-99 passed in OA 1354/96. This Tribunal dismissed the said application declining the reliefs claimed by the applicants.

2. In the said OA applicants had claimed the pay scale of Rs. 425-700 which was attached to the post of Precision Mechanic on the basis of the recommendation of III Pay Commission and also on the basis of recommendations of the Expert Classification Committee.

3. The applicants were recruited/promoted as Radio Mechanic just before issue of SRO 221 of 81 and after issue of SRO 221/81 some of them were promoted as Tradesman 'A'.

4. They submit that they were eligible for the scale of pay of Rs. 425-700 on the basis of the findings of the III Pay Commission and the recommendations of the Expert Classification Committee evaluating the value of the output turned out by each of the 14 trades designated as Tradesman-A category. The SRO 245/75 which came into effect from 11-7-75 in which the Precision Mechanics, which was earlier and a promotion grade \angle the other 13 trades were now clubbed and brought on par with other 13 trades and subsequently re-designated as Tradesman-A under SRO 221/81

without any trade-wise distinction.

5. The applicants were also ITI Diploma/certificate holders and recruited through the Employment Exchange in the scale of Rs.380-560 as per SRO 221/81. After coming into force of the SRO 245 and subsequent SRO 87/77 there was no rational basis for giving a preferential treatment to one trade viz. the Precision Mechanic ignoring the findings and recommendations of the III Pay Commission and the Expert Classification Committee. The respondents could not have ignored the recommendations of the expert body.

6. The respondents have justified their action by taking the Precision Mechanics as a one time promotion grade to those 13 trades which in fact had no relevance after the recommendation of the III Pay Commission. They submit that the Precision Mechanics who were now given a higher pay scale were in fact drawing the scale of Rs.205-280 at the time of recruitment while the applicants herein were drawing only Rs.150-240. This statement made by the Tribunal is not correct. They were in the scale of Rs.380-560 as per SRO 87/77.

6. The Precision Mechanics were re-designated as Tradesman-A and the said post was maintained as a separate category. ^{the} As per SRO 221/81 trade-wise distinction was abolished and all of them were treated as Tradesman-A in the scale of pay of Rs.380-560. They submit that there was a trade-wise distinction but the Precision Mechanics were also one out of the

83

14 trades treated as equals on the basis of the output turned out by each trade. The merger of the posts of Precision Mechanics with Tradesman-A were put to disadvantage. After the recommendations of the III Pay Commission, the SRO 245 dt. 11-7-75 had come into force and only those Precision Mechanics who were holding the said posts prior to 1-1-73 were given the benefit of the higher pay scales and the same analogy cannot be given to such of those persons who are recruited as per SRO 245 dt. 11-7-75 or SRO 87/77 or SRO 221/81 in which the precision mechanics were treated as equals with all the other 13 trades in the scale of Rs.380-560 and there was no distinction in the trade.

7. In the circumstances they pray for the review of the order.

8. The respondents have filed their reply. They submit that the post of precision mechanic being the highest industrial post, needed more experience, expertise to carryout precision job on various machines and higher degree of proficiency than those required for the feeder grades. The Technical Supervisor.II in the scale of Rs.205-280 prior to the recommendations of III Pay Commission were given a replacement scale of Rs.380-560 which were later changed to Rs.425-700 by the Government. The Precision Mechanics who were also in the pay scale of Rs.205-280 prior to 1-1-73 were also awarded pay scale of Rs.425-700 on par with Tech-Supervisor

II/CM-II (CM-II/Tech.Super¹visor were converted as CM-II in 1979) and Precision Mechanic in the scale of Rs.425-700 were made eligible for promotion to Chargeman-I. They relied upon the decision of the Bangalore Bench of the CAT in OA 868 to 869/89 (Sh.K.Puttalingappa and 31 Ors.) and they submit that one of the applicants in the said OA had approached the Hon. Supreme Court in SLP No.7764/92 and that the Hon. Supreme Court dismissed the SLP. The applicants in the said OA also prayed for scale of pay on par with Precision Mechanics and their claim was turned down by the Tribunal. They Submit that the applicants never worked as Precision Mechanics in the scale of Rs. 205-280 and hence they are not eligible for grant of higher scale of pay.

9. The recruitment and promotion of Precision Mechanics were made during the years 1977 to 1980 in the scale of Rs.380-560 (III Pay Commission). The post of Precision Mechanic was a separate grade having 1/3rd posts against direct recruitment quota and 2/3rd against promotion quota. The seniority list of Precision Mechanic was maintained separately till such time the SRO 221/81 was issued and operative w.e.f. 22-8-81. The applicants were initially appointed as Radio Mechanics and some of them were appointed in the lower grades of industrial categories. The Radio Mechanics were appointed against the direct recruitment quota of Radio Mechanic post and the others


Dr

were promoted as Tradesman 'A' from the feeder grades after the issue of SRO 221/81. No Precision Mechanic was appointed/recruited after the issue of SRO 221/81. The applicability of SRO 221/81 in respect of Precision Mechanic along with other grades of employees in the grade of Tradesman 'A' is not justifiable. It is submitted that all the 14 trades including the trade of Precision Mechanic was clubbed together and designated as Tradesman 'A' only consequent ^{upon} the issue of SRO 221/81. No Precision Mechanic after redesignation as Tradesman 'A' was granted the pay scale of Rs.425-700. Hence there are no grounds to review the order.

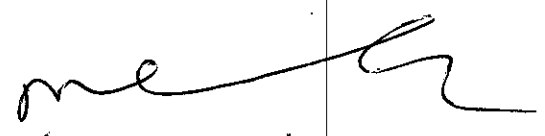
10. The applicants attempted to show some factual discrepancies as error apparent on the record. That alone is not sufficient to warrant review of the order. The main grounds for declining the reliefs to the applicants was that the applicants were never worked as Precision Mechanics earlier to SRO 221/81. Further they were in the feeder categories to the post of precision mechanics. Merely because the post of precision mechanics and other 14 trades were re-designated as Tradesman 'A' category it does not mean all the workers in the feeder cadres could be given the scale of pay attached to the Precision Mechanic.

11. A similar attempt made by certain workers was negatived by the Bangalore Bench of this Tribunal. In that view of the matter we find no error apparent on the face of the record. Hence there are no grounds to review the order.

12. The RA is dismissed.


(B.S. JAI PARAMESHWAR)
Member (J)
24300

MD


(R. RANGARAJAN)
Member (A)

my
issue