

43  
43

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.565/97

Date of Order : 17.12.97

BETWEEN:

Manmohan Andhraiah

.. Applicant.

AND

1. The Scientific Advisor to  
Raksha Mantri & Director  
General, Defence Research &  
Development Organisation,  
Ministry of Defence,  
Sena Bhavan, 'B' Wing,  
New Delhi.
2. The Director,  
Defence Electronics Research  
Laboratory, Chandrayangutta,  
Hyderabad.

.. Respondents.

---

Counsel for the Applicant

.. Mr.S.Lakshma Reddy

Counsel for the Respondents

.. Mr.N.R.Devraj

---

CORAM:

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

---

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

---

Mr.S.Lakshma Reddy, learned counsel for the applicant  
and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant in this OA while working as Highly Skilled  
Grade-I Technician was promoted as Chargeman Grade-II in the  
scale of pay of Rs.425-700 w.e.f. 22.9.93. When he was promoted  
as Chargeman Grade-II though he was eligible for promotion as



Master Craftsman the applicant did not opt for the Master Craftsman because of the fact that there is no promotional opportunities for Master Craftsman and the incumbent selected for the post of Master Craftsman will forego their normal promotion to the supervisory grade as seen from the letter No.1(2)/80/D(CIV.I) dated 21.11.82 (A-2). Because of the above embargo the applicant did not opt for Master Craftsman and appeared for the selection of Chargeman Gr-II and was promoted as Chargeman Gr-II in the scale of pay of Rs.425-700 w.e.f. 22.9.83. Those who did not have any ambition for promotion to supervisory grade opted for promotion to Master Craftsman in the scale of pay of Rs.425-640 even though the post of Master Craftsman was a deadend post. But the embargo of Master Craftsman for being promoted as supervisor post was deleted and even the Master Craftsman were given the normal channel for promotion for supervisory grade by memo No. 96532/M.C./RD-27 dated 26.6.84 (A-3). By corrigendum dated 25.11.84 received by the local administration on 25.6.84 the above memo was to be implemented. The applicant submits that his junior namely Sri Naresh Singh has been promoted as Master Craftsman and his pay has been fixed in that grade and because of the opening of channel for Master Craftsman to become Chargeman Gr-II his junior was promoted as Chargeman Gr-II and thus his pay in the cadre of Chargeman Gr-II in the scale of pay of Rs.425-700 was fixed under FR 22 (C) on the basis of his pay drawn as Master Craftsman. Thus his junior got higher fixation and hence his pay also <sup>has</sup> to be stepped up on par with his junior. The applicant submitted a representation which was forwarded to R-1 by the local authorities by letter No DURL/EST-I/0085/A, dated 7.10.86 (A-4), that was replied by letter No.DURL/EST-I/413515/MC, dated 25.9.96 (A-5) rejecting the claim of the applicant for stepping up of the pay.

3. This OA is filed for stepping up of pay on par with his junior Sri Naresh Singh in Chargeman Grade-II now re-designated as Senior Technical Assistant by setting aside the impugned letter No.DIRL/EST-I/0085/A, dated 7.10.86 (A-4) by holding the same as illegal and arbitrary and for a consequential direction to the respondents to refix the pay of the applicant by stepping up of his pay on par with his junior and payment of consequential arrears etc.

4. The main point for consideration in this OA is not the fixation of pay of the applicant on par with his junior, as his junior was promoted after the introduction of the 4th Pay Commission and the pay of his junior was fixed in the pay scale of Rs.1400-2300 when the scales of pay of Rs.425-640 and Rs.425-700 were combined on the recommendations of the Fourth Pay Commission. Hence the applicant cannot ask for stepping up of pay on par with his junior when his junior was promoted after the introduction of Fourth Pay Commission. But the applicant has a case when his case was not reviewed <sup>w.e.f. 26.10.84</sup> after the deletion of embargo placed on the Master Craftsman for further promotion ~~w.e.f. 26.10.84~~. If some of the juniors of the applicant then were promoted as Master Craftsman and then they were promoted as Chargeman Gr-II then those juniors definitely would have got higher pay than the applicant in view of the position existing on that day. When a review has to take place w.e.f. 26.10.84 for promoting the Master Craftsman as Chargeman Gr-II then the case of the applicant should <sup>have</sup> ~~also~~ been considered for promotion to the post of Chargeman Gr-II w.e.f. 26.10.84 if he fulfills the condition for promotion to the post of Master Craftsman agreeing for showing him as skilled Gr-I Fitter till 26.10.84 even though he was promoted as Chargeman Gr-II earlier i.e. on 22.9.83.

5. If such a review is made the applicant has to be fixed in the scale of pay of Master Craftsman in the grade of Rs.425-640 and as he is already been promoted to Chargeman Gr-II he deemed to have been promoted to Gr-II and his pay has to be fixed in the scale of pay of Rs.425-700 on the basis of promotion to Master Craftsman in the scale of pay of Rs.425-640.

6. The applicant submits that many of his juniors have been promoted to the post of Master Craftsman earlier to 26.10.84 and hence his case for review also <sup>has</sup> to be taken on par with his juniors. No doubt it appears to be in order. But 14 years had passed after the lifting of the embargo for Master Craftsman to become supervisors. It may not be possible to the respondents authorities to check his juniors and then consider him for promotion for Chargeman Gr-II. This will only delay the process and probably may lead to a situation wherein no records will be available if such an order is given. Hence I am of the opinion that the case of the applicant for promotion to Master Craftsman in the scale of Rs.425-640 should be considered as on 26.10.84 treating him as a skilled fitter Gr-I till that date and if he is found eligible to the post of Master Craftsman, he should be shown notionally promoted to that post even though such a consideration is made now w.e.f. 26.10.84 at a very late date. Thereafter he should be deemed to have been promoted as Chargeman Gr-II from that date and his pay fixed in the scale of Rs.425-700 as indicated above on the basis of his notional pay fixation as Master Craftsman.

7. The applicant should have come up with the above request way back in middle of 1980. But he had approached this Tribunal only on 24.4.97 requesting for stepping up of pay on par with his juniors. But the department had already rejected his case for stepping up of pay on par with his juniors. But I have <sup>had</sup> held that he is eligible for fixation of pay in the scale of pay of Rs.425-700 as Chargeman Gr-II w.e.f. 26.10.84 if he is

.. 5 ..

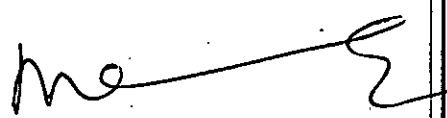
found suitable for promotion to the post of Master Craftsman from that date. Hence the applicant is entitled for arrears of pay if any on that basis only w.e.f. 24.4.96 i.e. one year prior to the filing of this OA .

8. In the result the following direction is given :-

The case of the applicant for notional promotion to the post of Master Craftsman in the scale of pay of Rs.425-640 w.e.f. 26.10.84 should be considered. If he is found fit for promotion to the post of Master Craftsman then he should be deemed to have been promoted as Chargeman Gr-II in the scale of pay of Rs.425-700 w.e.f. 26.10.84. His pay in the post of Chargeman Gr-II in the scale of pay of Rs.425-700 should be fixed on the basis of notional pay fixation in the post of Master Craftsman in the scale of pay of Rs.425-640. The above fixation of notional pay should be carried further. If on that basis if the applicant is entitled for any arrears he should be paid the arrears <sup>at higher salary from</sup> ~~w.e.f.~~ 24.4.96 i.e. one year prior to filing of this O.A.

9. Time for compliance is 4 months from the date of receipt of a copy of this order.

10. The O.A. is ordered accordingly. NO COSTS.

  
( R.RANGARAJAN )  
Member (Admn.)

Dated : 17th December, 1997

(Dictated in Open Court)

sd



GA.565/97

Copy to:-

1. The Scientific Advisor to Raksha Mantri & Director General, Defence Research & Development Organisation, Ministry of Defence, Sena Bhavan, 'B' Wing, New Delhi.
2. The Director, Defence Electronics Research Laboratory, Chandrayangutta, Hyderabad.
3. One copy to Mr. S. Lakshma Reddy, Advocate, CAT, Hyd.
4. One copy to Mr. N. R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to D.R.(A), CAT, Hyd.
6. One duplicate copy.

srr

29/12/97  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESWAR :  
M(J)

Dated: 17/12/97

ORDER / JUDGMENT

~~MR./R.A./C.A.No.~~

in

O.A.NO.

565/97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as Withdrawn

Dismissed for Default

~~Ordered/Rejected~~

No order as to costs.

SRR

II Court

