

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.66/97.Dt.of Decision : 24-09-98.

1. N.Ravinder
2. D.Sateesh Kumar
3. N.Ashok
4. K.N.Janardhan Rao
5. G.Sekhar Reddy
6. B.Prabhakar Reddy

..Applicants.

Vs

1. The Ordnance Factory Board,
Rep. by the Director General,
of Ordnance Factories,
10-A, Auckland Road,
Calcutta-.
2. The General Manager,
Ordnance Factory Project,
Yeddumailaram,
Dist : Medak (A.P.)

..Respondents.

Counsel for the applicants : Mr.P.Naveen Rao

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.P.Naveen Rao, learned counsel for the applicants and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. There are 6 applicants in this OA. They have been working as Fitters in the semi-skilled grade under the respondent organisation. Their scale of pay is Rs.800-1550/-. It is stated that they were appointed on casual basis since their verification reports from the police were not available and also ^{the} department wanted their services at that time.

3. The applicants have furnished their service particulars in Annexure-1 to the OA. They were appointed in the first instance during January and February, 1991 as per the Annexure-1 statement. They were taken as a regular semi-skilled Fitter in April, 1991 and May, 1991 as per the details shown in Annexure-1. Thus for about 3 months they were working as casual labour semi-skilled Fitters and later they were regularised as they were selected in accordance with rules and also the police verification reports had been received by then.

4. The applicants ^{have} filed this OA praying for a direction to the respondents to prepare the seniority list of Fitters (General) (Semi-Skilled) in the office of R-2 on the basis of ranking assigned in the merit lists and to treat the total service rendered by the applicants from the date of their initial appointment as continuous and regular and to review all the promotions made so far to the higher grade with all consequential benefits to the applicants.

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5. It is now stated that the applicants had been given the seniority as prayed for by them. Hence, there is no need to give any direction in regard to the seniority as well as the consequential benefits on the basis of that seniority. The only point for consideration in this OA is whether they should be given the post of Skilled Fitter immediately 2 years after they were appointed for the first time as semi-skilled casual Fitter. If it is decided to give them Skilled Fitter category immediately after 2 years from the date they were engaged as Casual Semi-skilled Fitter then for about 3 months they will have to be paid in the scale of pay of Gr-III Fitter and not as Semi-Skilled Fitter. Thus, there will be a meagre payment of arrears for 3 months—difference in the salary in between the semi-skilled Fitter and Gr-III regular Fitter.

6. The learned counsel for the respondents submit that there were break in between the period they ~~were~~ worked ^{and} as ~~semi~~ skilled casual Fitter ^{and} to the date when they were made as regular ~~semi~~ skilled Fitter. Hence that period cannot be treated for counting the two years ~~of~~ service period for purpose of promotion to the skilled Fitter.


7. As per the Apex Court judgement in Maharashtra Engineers' case if a casual appointment appointed in accordance with the recruitment rule followed by a regular appointment then that casual service should also be treated for the purpose of seniority and other benefits.

8. In view of the above it is essential that the casual service should also be counted for purpose of promoting them to the skilled Fitter after a period of 2 years from the date of their initial engagement as casual semi-skilled Fitter. If that is done so then as stated earlier the applicants will be eligible for minor

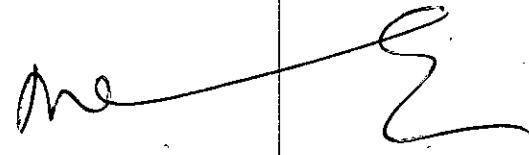
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arrears of pay. That arrears of pay should be paid to them deducting the pay for the days on which they were not engaged. The artificial break should be condoned for the purpose of counting the 2 years period.

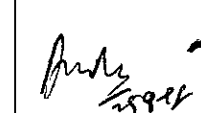
9. With the above direction, the OA is disposed of.
No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

24.9.98


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 24th Sept. 1998.
(Dictated in the Open Court)


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Copy to:

1. The Director General of Ordnance Factories,
10A, Auckland Road, Calcutta.
2. The General Manager, Ordnance Factory Project,
Yeddumailaram, Medak District.
3. One copy to Mr. P. Naveen Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
5. One copy to HBSJP, M(J), CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 24/10/98

ORDER/JUDGMENT

M.A./R.A/C.P.NO.

in

C.A.NO. 66/92

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

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