IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.167/93 dated 1[illegible]-2-96

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. Raman
Addl. CGSC

CORAM

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

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

Para-2 of the letter which 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 [illegible] He is still Group 'D'employee (NCSUEs Bootmaker) and cannot be considered as skilled grade [illegible] with Industrial employees."

3. Aggrieved by the above he has filed this OA [illegible] 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 [illegible] 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/CIV) indicates that Boot-makers who are in the Grade of Rs.260-400 are Group-C staff. Hence, the applicant should be treated as a Group-C employee and not a Group-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

...3.

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, 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 that authority gave the reply without looking into all those issues deligently.

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 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 direction if the trade of Boot-maker is also made eligible for higher grades, suitable notification may 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.)

SSk
Sk
HSk

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
इलाहाबाद बेंच
ALLAHABAD BENCH

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AVIII

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.NO.482/97 in O.A.NO.167/97 Order: 6.5.97.

Between:

1. The Secretary, Min.of Defence, Govt. of India, New Delhi.
2. The Director General of Electrical & Mech.Engg.(Civil), Army Hard Quarters, DHQ P.O, New Delhi.
3. The Commandant, EME Centre, Secunderabad.

...Applicants/Respondents

And

1. [illegible]

...Respondent/Applicant.

Counsel for the Applicants : Mr.V.Rajeswara Rao

Counsel for the Respondents : Mr.V.Venkateswara Rao

CORAM:

THE HON'BLE SRI R.R.NAIRJAN : MEMBER (A)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Sri V.Rajeswara Rao for applicants in the M.A. None for the respondents.

This O.A. is filed for extension of time by five months from 6-3-97 to 5.10.97 for implementation of the order.

I feel the time asked for is very high. However, I am inclined to give three months time from 6.5.97 for implementation of the order.

O.A. is ordered accordingly. No costs.

Sd/-x x x
DEPUTY REGISTRAR(J)

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

33

ANX 28

NO. B/21892/66/EME CIV-3

Director GEneral of EME (EME CIV)
Master General of Ord Branch
Army Headquarters DHQ PO

New Delhi, the 20th Aug.'97.

To

Shri Kedarnath
Bootmaker - Petitioner in OA.No.167/93
1 EME Centre, Secunderabad.

(Through Commandant
1 E M E Centre, Secunderabad)

1. I am directed to refer to the order and judgement dated 23rd December, 1996 of CAT Hyderabad Bench in OA 167/93 and in compliance with the directions therein, to inform you as under.

2. The Industrial employees were fitted in appropriate pay scale on the basis of the job evaluation done by the ECC and the Hon'ble Supreme Court has already held in Civil Appeal Nos.3999-4025 of 1988 that the pay scale allotted to each category of employees on the basis od point score given by the ECC cannot be termed as arbitrary Subsequently, rhe Supreme Court had also observed in their judgement dated 31 july 91 in Writ Petition. No.40/91 that those employees who belong to the semi-skilled categories in the grade of Rs.260-400 commensurate with the point score given by the Anomalies Committee. The recommendations of the Anomalies Committee were implemented by Government letter dated 15 oct. 84 in respect of various Defence Establishment. Although your post was not evaluated wither by the ECCor Anomalies Committee, you were given skilled grade on the basis of the Judgement dated 29 Sep. 89 of CAT Hyderabad Bench in OA.No. 443/88.

3. The Anomalies Committee which was an Expert Committee had made a comprison of the grade structure in skilled grade, GS Grade II & HS Gde I in a few Defence Establishment and has seen big gaps in the grade tructure. The Committee, theregore, recommended the following bench mark percentage for adoption to fill in the gaps in the operation of skilled grade or to provide grades commensurate with higher level of skills required for certain common category trades :-

HS Gde I	15%
HS Gde II	20%
Skilled	65%

The Committee had also given a list of such common category jobs where there are gaps or all the skilled levels arenot available. This list of 21 categories did not include the post of Bootmaker. The Committee had also recommended that the provision of higher grades viz. HS Gde II and HS Gde I should be made depending on the recruitment of higher skill in that rade and also on the basis of functional requirement of Defence Establishment subject to a minimum bench mark percentage as stated above.

4. It may be seen from the above that the creation of posts in HS Gde II and HS Gde I was to depend on the functional requirments of different Defence Establishments and the munimum bench mark percentage was prescribed by the Expert Committee only in respect of certain common category jobs which did not include Bootmaker. Even in the Government letter dated 15 Oct.'84 issued in respect of the AG's Branch, Bootmaker had been given onlu the skilled grade and the Annexure I thereto did not include the category of Bootmaker for thepurpose of provision of HS Gde II and HS Gde I. The EME Dte has not found any functional necessity to have HS Gde II and HS Gde I for the non-industrial category of Bootmaker in the EME Centr Secunderabad. Accordingly, you are not entitled for the grant of Highly Skilled Gde II and Highly Skilled Gde I as provided for certain common category trades in Government letter dt.15 Oct.'84.

Sd/xxx
(Mr.Rochiar)

Lt. Gen. - Director General of Electrical & Mechanical Engineering

// True Copy //

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ANX (29)

No B/21892/66/EME CIV-3

Directorate General of EME (CIV)
Master General of Ord Branch
Army Headquarters DHQ PO

New Delhi, the 20 Aug 97

To,

Shri Kedarnath
Bootmaker - Petitioner in OA No. 167/93
1 EME Centre, Secunderabad

(Through Commandant
1 EME Centre, Secunderabad)

1. I am directed to refer to the order and judgement dated [illegible] Dec 96 of CAT Hyderabad Bench in OA 167/93 and in compliance with the directions therein, to inform you as under.

2. The industrial employees were fitted in approp[illegible] pay scales on the basis of the job evaluation done by the E[illegible] Hon'ble Supreme Court has already held in Civil Appeal [illegible] 3999-4002 of 1980 that the pay scale allotted to each ca[illegible] employees on the basis of point score given by [illegible] not be termed as arbitrary. Subsequently, the Supreme Court had also observed in their judgement dated 31 Jul 91 in Writ Petition No 80/91 that those employees who [illegible] categories in the grade of Rs 210-290 were to be upgraded to the skilled category carrying a scale of Rs 260-400 commensurate with the point score given by the Anomalies Committee. The recommendations of the Anomalies Committee were implemented [illegible] Government letter dated 15 Oct 04 in respect of various Defence establishment. Although your post was not evaluated either by the ECC or Anomalies Committee, you were given skilled grade on the basis of the judgement dated 29 Sep 09 of CAT Hyderabad Bench in OA No 443/08.

3. The Anomalies Committee which was an Expert Comm[illegible] had made a comparison of the grade structure in skilled grade, HS Gde II & HS Gde I in a few Defence Establishment and had seen big gaps in the grade structure. The Committee, [illegible] recommended the following bench mark percentage for addition [illegible] fill in the gaps in the operation of skilled grade or [illegible] provid[illegible] grades commensurate with higher level of skills req[illegible] for certain common category trades :-

HS Gde I	15%
HS Gde II	20%
Skilled	65%

The Committee had also given a list of [illegible] where there are gaps or all the skilled levels are not available.

..2/-

this list of 21 categories did not include the post of Bootmaker. The Committee had also recommended that the provision of higher grades viz. HS Gde II and HS Gde I should be made depending on the recruitment of higher skill in that trade and also on the basis of functional requirement of Defence Establishment subject to a minimum bench mark percentage as stated above.

4. It may be seen from the above that the creation of posts in HS Gde II and HS Gde I was to depend on the functional requirements of different Defence Establishments and the minimum bench mark percentage was prescribed by the Expert Committee only in respect of certain common category jobs which did not include Bootmaker. Even in the Government letter dated 15 Oct 84 issued in respect of the AG's Branch, Bootmaker had been given only the skilled grade and the Annexure I thereto did not include the category of Bootmaker for the purpose of provision of HS Gde II and HS Gde I. The EME Dte has not found any functional necessity to have HS Gde II and HS Gde I for the non-industrial category of Bootmaker in the EME Centre Secunderabad. Accordingly, you are not entitled for the grant of Highly Skilled Gde II and Highly Skilled Gde I as provided for certain common category trades in Government letter dated 15 Oct 84.

(MR Kochhar)
Lt Gen
Director General of Electrical and Mechanical Engineering

35

From : No 2664277 Bootmaker
Kedarnath
1 Trg Bn, 1 EME Centre
Secunderabad-500 010

To

The Directorate General of EME (EME CIV)
MGO's Branch,
Army Headquarters
DHQ PO, New Delhi - 110 011

FITMENT OF INDUSTRIAL WORKERS OF EME IN PAY SCALES RECOMMENDED BY THE 3rd PAY COMMISSION

(Through Proper Channel)

Sir,

1. Please refer to : (a) My application dated 29 Sep 92.

(b) Observations raised by Hon'ble Judge, CAT Hyderabad in OA No 167/93 dated 13 Dec 96.

(c) DG EME (EME CIV) Army HQ letter No B/21892/66/EME CIV-3 dated 20 Aug 97.

2. Not satisfied with the impugned letter issued to me by DG EME (EME CIV) AHQ mentioned at reference 1(c) above, it is once again submitted that in one of the similar case, in Supreme Court Judgement dated 09 Sep 97, given by Shri MD Kania & Sri Kuldeep Singh, the sitting Bench in one of the case filed by an employee of CSIR, states that "Not only the job opportunity be provided but the promotion may also be given otherwise their mentality will be out of their way" (the matter was published in the Telugu Daily News Paper dated 09 Sep 89 (Photocopy plus English translated copy is attached) for information please.

3. Further, it is intimated vide Govt of India, Min of Defence, letter No. 1(2)/80/D(ECC/IC) dated 11th May 1983, that the Expert Classification Committee was appointed only prior to the year 1973 and conveyed the sanction of the President on the following:-

(i) Fitment of Industrial Workers of EME in the following Five scales of the pay as per details given :-

Category	Scale
Unskilled	- Rs. 196-3-270-EB-3-232
Semi Skilled	- Rs. 210-4-226-EB-4-250-EB-3-300
Skilled	- Rs. 260-400
High Skilled Gde II	- Rs. 330-480
High Skilled Gde I	- Rs. 380-560

4. In the wake of Supreme Court Judgement in WP No 12259-66/1984, filed by Shri Bhagwan Sahai & others of MES, all the trades which have been graded from Semi-skilled grade wef 15 Oct 84, in terms of letter dated 15 Oct 84 has been given the benefit of the pay scales of the Skilled grade (Rs. 260-400) wef 16 Oct 81 onwards. But, the orders have not been implemented by our departments concerned until I approached the Court of Law and after prolonged correspondence. The judgement was given by the Hon'ble CAT Hyderabad in OA No 443/84 dated 29 Sep 89, with financial effect given only from 22 Aug 83 onwards i.e. approx 02 (two) year's financial loss.

...2/-

5. As per the Recruitment Rules, the retirement age of Bootmakers is 60 years, where as immediately after revision of pay scales, vide DG EME (EME CIV) Army HQ letter No 00745/1/EME Civ-3 dated 19 Mar 93, the retirement age has been reduced by 02(two) years i.e. from 60 years to 58 years, thereby denying 24 months Salary which comes to approximately loss of Rs. One Lakh which itself is a great loss to me and my family which against the natural justice.

6. Under Fitment of Industrial Workers in EME, in accordance with Govt of India, Min of Defence letter No 1(2)/80/D/ECC/IC) dated 11 May 83 and Army HQ letter No 6607/XVI/EME CIV-2 dated 06 Nov 84 the trade of 'Pattern Maker' (General Cadre) held only 01 (One) employee authorised/held at 1 EME Centre Secunderabad has been accorded the 3 grade structure wef 16 Oct 81 and presently he is under the zone of promotion for Highly Skilled Grade I and is still held in Industrial trade even after revision of pay scales under 3 grade structure duly retaining his retirement age at 60 years only, which clearly shows that step motherly treatment is metted to me being in one unit/establishment, as per the bench mark percentage given to the jobs :-

(i) High Skilled Gde I - 15%

(ii) High Skilled Gde II - 20%

(iii) Skilled Grade - 65%

7. As per para 3(c) to Army HQ letter dated 16 Nov 84, for the purpose, distribution of the above percentage as far as MC EME, EME School and 1 EME Centre are concerned, they are placed under MG EME Southern Command, Pune for giving promotions. Like-wise the 'Pattern Maker' has been promoted accordingly, omitting the trade of Bootmaker and similar other trades.

As on date 1 EME Centre is authorised approximately 20 Bootmakers and as per para 1(ii) of GOI, Min of Defence letter No 1(2)/80/D/ECC/IC dated 11 May 83, for upgradation of posts of skilled grade II & I the following formula should be adopted :-

Strength of workers	No. of posts to be Highly Skilled Grade II/I
6 - 15	1
16 - 25	2
26 - 35	3
36 - 45	4
46 - 55	5

and so on i.e. one addl post in Highly skilled Gde II or Gde I for every 10 posts in the Skilled Gde II, as the case may be.

8. And it is clearly mentioned in GOI, Min of Defence letter No 3822/DS/O&M/Civ-I/84 dated 15 Oct 84, that if there are non-viable trades these should be grouped together for the purpose of giving the benefit of further promotion as Highly Skilled Grade II and Grade I for which service gap of 6 years and 3 years is required.

9. Further, it is submitted that on revision of pay scales i.e. after approaching Court of Law, the one who was appointed during the year 1964 and the one who have been appointed after the year 1980 i.e. after a gap of 15 (Fifteen) years, the pay scale of all the Bootmakers of 1 EME Centre i.e. seniors and juniors have been fixed at the same rate of pay scales and no comparison/weightage of service rendered is given.

...3/-

TC

10. My service has been reduced by 02 (two) years, I am due for retirement on 31 Jul 1999. Now, as per the decision taken in 5th Pay Commission, that all the Group 'C' and 'D' employees' have now been ensured 02(two) time bound promotions under the 'Assured Career progress and there should be no disparity amongst workers of letter and workers of crafts, all Industrial and Non-Industrial workers should be treated at par, my case may be considered suitably.

11. Sir, since only 01 (one) year and 10(ten) months service is left, I once again request your kind honour to issue necessary promotion orders for HS Gde II and HS Gde I to me as per the existing policy immediately duly retaining the retirement age of 60 years instead of 58 years without giving the step motherly treatment which is against the natural justice.

Thanking you in anticipation.

Yours faithfully,

केदारनाथ

(KEDARNATH)
No. 2664277 Bootmaker

Encls :(4)

Dated : 26 Sep 97

Copy to :-

The Social Welfare Department
SC & ST Cell
Govt. of Andhra Pradesh
Secretariat, Hyderabad

- for information please. A copy of my application dated 29 Sep 92, together with the reply given by Army HQ are enclosed herewith for taking up my case favourably being a Scheduled Caste under intimation to me please.

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CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

OA NO : 1595 OF 1997

BETWEEN :

Kedarnath ...APPLICANT

AND

1. Union of India rep by the Secretary, Ministry of Defence New Delhi and others ...RESPONDENTS

2. The Dte Gen of EME (EME (Civ) Army Headquarters, New Delhi

3. The Commandant 1 EME Centre Secunderabad

REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENTS

I, Lt Col Arun Sehgal S/O Late Shri WC Sehgal aged 43 years, Occupation : Defence Service, R/O HNo 458/2, Allenby Lines, Secunderabad - 500087, do hereby solemnly affirm and sincerely state on oath as follows :-

1. I am working as Adm Officer in the office of respondent No 3 i.e. HQ 1 EME Centre as such I am acquainted with the facts of the case. I am filing this reply affidavit on behalf of respondents and I am authorized to file the same.

2. In reply to para-3 of OA, it is submitted that the creation of posts in Highly Skilled Grade-II and Highly Skilled Grade-I was to depend on the functional requirement of different Defence Establishments and the minimum Bench mark percentage was prescribed by the Expert Committee only

ATTESTOR

(S. Purushottam)
EME Officer (Civ)
Accounts Officer
for Commandant
1 EME Centre

DEPONENT

(Arun Sehgal)
Lt Col
Adm officer
I EME Centre

...2/-

in respect of certain common category jobs as mentioned below which did not include the trade of Bootmaker :-

1. Carpenter
2. Coppersmith/Tin Smith
3. Electroplator
4. Mason
5. Painter

Even in Govt of India, Min of Defence letter No. 3822/DS(O&M)/Civ-I/84 dated 15 Oct 1984, issued in respect of the AG's Branch, Army Headquarters, the trade of Bootmaker had been given only the Skilled Grade i.e. from the then existing scale of Rs 210-290 to Rs 260-400 and the category of Bootmaker for the purpose of provision of HS Gde-II and HS Gde-I had not been included.

3. In reply to para 6(i) of OA it is submitted that Bootmaker Sri Kedarnath was appointed on 16 Jan 1964 and posted to 1 EME Centre Secunderabad, under Surplus/Deficiency Scheme from the Grenadiers Regimental Centre, Nasirabad on 1/10 Sep 1973. He was granted the pay scale of Rs 260-400 (Skilled Grade) by virtue of the Judgement pronounced by CAT Hyderabad on OA No 443/88. On granting skilled grade of pay scale, the Bootmaker has been termed as Group 'C' Non-Industrial personnel and the retirement age has been fixed at 58 years, which is applicable to all the Group 'C' Non-Industrial Employees.

ATTESTER

(S. Purushottam)
EME Officer (Civ)
Accounts Officer
for Commandant
1 EME Centre

DEPONENT

(Arun Sehgal)
Lt Col
Adm officer
I EME Centre

...3/-

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4. In reply to para 6(II & III) of OA, it is submitted that as per the recommendation of the Expert Classification Committee which was appointed in terms of para 19 of the report of the Third Pay Commission and of the Committee on common category of jobs,the Industrial employees were fitted in the appropriate pay scales on the basis of the job evaluation done by the ECC and the Hon'ble Supreme Court has already held in Civil appeal Nos. 3999-4025 of 1988, that the pay scale allotted to each category of employees on the basis point score by the ECC cannot be termed as arbitrary. Subsequently, the Supreme Court has also observed in their Judgement dated 31 July 1991 in Writ Petition No. 40/91 (copy of the Judgement is filed as Annexure R-I) that these employees who belong to the Semi Skilled categories in the grade of Rs 210-290 were to be upgraded to the skilled category carrying a scale of Rs 260-400 commensurate with the point score given by the Anomaly Committee were implemented by Govt letter dated 15 Oct 84 in various Defence Establishments. The Anomaly Committee which was an Expert Committee had made a comparison of the Grade Structure in Skilled Grade, HS Gde-II and HS Gde-I in a few Defence Establishments and had seen big gaps in the grade structure and had recommended the following bench mark percentage for adoption to fill in the gaps of operations of skilled grade or to provide grades commensurate with higher level of skills required for certain common category trades :-

Highly Skilled Grade-I	- 15%
Highly Skilled Grade-II	- 20%
Skilled Grade	- 65%

ATTESTER

(S. Purushottam)
EME Officer (Civ)
Accounts Officer
for Commandant
1 EME Centre.

DEPONENT

(Arun Sehgal)
Lt Col
Adm officer
I EME Centre

..4/-

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The list of categories did not include the post of Bootmaker. The committee also recommended that the provision of higher grades viz HS Gde-II and HS Gde-I should only be made depending on the recruitment of higher skill in that trade and also on the basis of functional requirement of Defence Establishment subject to a minimum bench mark percentage as stated above.

The bench mark percentage in respect of certain common category jobs which did not include the trade of bootmaker. Even in the Govt letter dated 15 Oct 84 issued in respect of AG's Branch, Army Headquarters, Bootmakers had been given only the Skilled Grade and the common categories thereto did not include the category of Bootmaker for the purpose of provision of HS Gde-II and HS Gde-I. EME Directorate had not found any functional necessity to have HS Gde-II and HS Gde-I for the Non-Industrial category of Bootmakers in 1 EME Centre Secunderabad. Hence, the petitioner is not entitled for the grant of HS Gde-II and HS Gde-I as provided for certain common category trades in Govt letter dated 15 Oct 1984.

In reply to para-7 of CA it is submitted that the speaking order issued by the Dte Gen of EME, Army Headquarters letter No B/21892/66/EME Civ-3 dated 20 Aug 97, is in order and not illegal, arbitrary and unconstitutional.

In view of the above submissions there are no merits in the OA. The Hon'ble Tribunal may be pleased to dismiss the OA.

DEPONENT

Solemnly sworned and signed
his name on this day of
20 February 1998 before me.

(Arun Sehgal)
Lt Col
Adm officer
I EME Centre

BEFORE ME

ATTESTER

(S. Purushottam)
EME Officer (Civ)
Accounts Officer
for Commandant
1 EME Centre.

The orders supersede the earlier orders in regard to fi[illegible] of the above catogoriesof workers in the relevant scales of pay from the date of issue of this letter.

Fresh induction to the trades listed in (i) above shall be from -

(a) semi-skilled categories to be identified by you or feeder categories in the pay-scale of Rs 210-290 already existing under the present recruitment rules, subject to the workers having rendered a minimum of three years' service in the grade and after passing the prescribed trade tests ; and

(b) direct recruits with ITI certificate/Ex-trade Apprentice NCTVT etc. inducted in the semi-skilled grade, who have rendered 2 years service in that grade.

(ii) Provision/introduction of Highly Skilled Grade (Rs 330-480) and Highly Skilled Grade I (Rs 380-560) for common category jobs listed in Annexure I classified as 'Skilled' depending on the functional requirement of highly skilled jobs, in the following manner as a bench-mark percentage :-

(a)	Highly skilled grade I (Rs 380-560)	15%
(b)	Highly skilled grade II(Rs 330-480)	20%
(c)	Skilled grade (Rs 260-400)	65%

This should be given to the trades enumerated in Annexure I with viable number of jobs and if there are non-viable tradesthese should be grouped together for the purpose of giving the above benefit. In the trade where the above bench-mark percentages are introduced, the selection grade for the skilled grade, if provided, will stand simultaneously abolished as a one time measure.

2. These orders will take effect from the date of issue.

3. [redacted] expenditure involved shall be [redacted] Head of the Defence Services Estimates. [redacted]

4. This issues with the concurrence of the Ministry of Defence (Finance Division) vide their inter d3partmental No 1755/Dir(Af/Eqpt) of the 15th October, 1984.

Sd/- x x x x
(RAMA KRISHNA)
Deputy Secretary to the Government of India
Tele : 375040

AG'S Branch

Annexure I

LIST OF COMMON CATEGORY 'SKILLED' JOBS

1. Carpenter.
2. Copperssmith/Tinsmith
3. Electroplator
4. Mason.
5. Painter.

. . . . . .

Telephone : 79251/482

1 Vaidyut and Yantrika
Kender Mukhyalaya
Headquarters,
1 EME Centre
Secunderabad - 500587

506/EST/CIV

22 Dec 84

List 'A'

PAY AND ALLOWANCES/PROMOTION : CIVILIANS

1. Copies of the following letters received vide HQ Andhra Sub Area letter No 2802/2/R/A-i dated 28 Nov 84, are forwarded herewith for information and necessary action:-

(a) Govt of India, Min of Def letter No 3822/DS/O&M/Civ-i/84 dated 15 Oct 84 regarding - Fitment of Non Industrial Workers of AG's Branch in Pay scales recommended by the Third Pay Commission to the Industrial Staff.

(b) Army HQ letter No 93791/6/Org 4(Civ)(a) dated 22 Oct 84, regarding Relaxation of upper age limit for appointment in Service-Departmental candidates.

(PP Rao)
Major
Adm Officer
for Commandant

Copy to :-

Finance Section.

Copy of Govt of India Min of Def New Delhi, letter No 3822/DS(O&M)/Civ-I/84 dated 15 Oct 84.

Subject :- Fitment of non-industrial workers of AG's Branch in pay-scales recommended by the Third Pay Commission.

Sir,

Based on the decisions taken by the Government on the unanimous recommendations of the Anomalies Committee, I am directed to convey the sanction of the President ~~of~~ to the following :-

(1) Upgradation of the following jobs from semi-skilled grade (Rs 210-290) to the skilled grade (Rs 260-400):-

Sl No	Job Title	Existing Scale	Revised Scale
(1)	Boot-maker	Rs 210-290	Rs 260-400
(2)	Carpenter	- do -	- do -
(3)	Paintery/Painter III	- do -	- do -
(4)	Painter (IRC)	- do -	- do -

These orders supersedes the earlier orders in regard to the report

Contd...2/-

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

OA NO: 1595 OF 1997

REPLY AFFIDAVIT /~~WRITTEN STATEMENT~~ ON BEHALF OF RESPONDENT NO:

FILED ON: 23-2-98

Read copy
23/2/98

FILED BY:

V. RAJESWARA RAO
S.C. FOR RAILWAYS/
ADDL. CGSC, HYDERABAD

PH NO: 272585

may be filed
25/2/98

U/R 883, S-CAT (P) Rules 87 (10)

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH : HYDERABAD

M.A. No. 99

IN

O.A. NO. 1595 OF 1997

BETWEEN :

1. Union of India rep by the Secretary, Ministry of Defence New Delhi and Others

2. The Dte. Gen of EME (EME (Civ) Army Headquarters, New Delhi

3. The Commandant 1 EME Centre Secunderabad

... Applicants/Respondents.

A N D

Kedarnath ... Respondents/Applicant

MEMO

It is submitted that a copy of the Order dated 13.7.93 passed in Civil Appeal Nos.3999-4025 of 1988 of the Apex Court as referred in the Counter Affidavit was not enclosed due to inadvertance. Hence, it is prayed that the said order copy may be taken on record.

Hyderabad
Dt. 9/3/99

COUNSELC FOR THE APPLICANT/RESPONDENTS.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NoS 3999-4025 OF 1988

Shri S. Thiruvalluvan & Ors .....Applicants

Versus

Union of India & Ors .....Respondents

WITH

CIVIL APPEAL NO 4024 OF 1988

Defence Employees Union & Ors .....Applicants

Versus

Union of India & Ors .....Respondents

ORDER

The Third Central Pay Commission after examination the scales of various category of workers in the Ordnance Factory reduced the existing 19 scales the industrial staff in various defence establishments to 5 scales varying from unskilled to highly skilled grade I categories. At the same time, the commission also recommended the setting up of an Expert Clarification Committee(ECC) to carry out a proper

classification on scientific jobs evaluation basis. The ECC was set up in October 1974 and it submitted its report in 1979 recommending 9 pay scales. The Government examined the report of the ECC and while agreeing with the job-evaluation done on point rating method, it disagreed with the recommendation that the total number of pay scales should be 9 instead of 5. The Government took decision in October 1981 that there should be only 5 scales for industrial workers. That was also the demand of the two federations of employees/ The compression of 9 pay scales into 5 pay scales and to be done on the basis of mid-point-rating of the points allotted by the ECC for each category on the result of job-evaluation. At the floor level upto point 205 the wage scale fixed was Rs 196-232 between 206 and 250 points the wage fixed was Rs 210-290, for the points scored between 251-328 the wage fixed was 260-400, for the points scored between 329-388 the wage fixed was Rs 330-480 and for those above 388 the scale was Rs 380-560. This is also clear from paragraph 3(d) of the Counter Affidavit filed on behalf of the Management. On the basis of points assigned on job-evaluation, employees belonging to different categories were fitted into 5 scales as stated above. When the total number of pay scales get reduced it is inevitable that certain employees who earlier belonged to different pay

43

scales got merged into a single revised pay scale. That is the effect of rationalisation without which reduction in total number of pay scales would not be possible. In the instant case the Third Pay Commission reduced that pay scales from 19 to 5. The ECC after undertaking an exercise at job-evaluation recommended 9 scales on the basis of the points allocated for each job. The Government was, however, of the opinion that the total number of pay scales should be restricted to 5 only presumably to maintain parity with other sectors. It had, therefore, to fit the various jobs into those pay scales on the basis of points assigned for each job. In doing so, as stated earlier because of the merger of scales those who were in the lower scale entered the higher scale while those already in the higher bracket who had not scored the number of points required to move to the next higher scale remained in the same scale and got bracketed in that scale. We do not see how one can say that the rationalisation of pay scale done on the basis of job-evaluation in arbitrary merely because it results in bracketing of certain categories of employees who were earlier in different scales into a single scale. How can those employees who were earlier in the higher scale be heard to say that the principle of equal pay for equal work was violated merely because some other category which was earlier in the same pay scale with them had moved up to a

higher scale while they were bracketed with those who were earlier in the lower-scales and remained at the same level. If on job-evaluation it is found that the job rating for a given category is higher but they were in the lower scale for want of job-evaluation, they would have to be pushed to the higher scale/ That is what justice demands. The Tribunal has, therefore, rightly come to the conclusion that the pay scale allotted to each category of employees on the basis of points given by the ECC as a result of job-evaluation cannot be termed as arbitrary. We, therefore, do not see any infirmity in the impugned order of the Tribunal. We agree with the reasons which weighed with the Tribunal for the conclusion it reached. We see no ground for interference. The appeals are, therefore, dismissed with no order as to costs.

Sd/-
(A.M. AHMADI)

Sd/-
(R. VENKATACHALLIHA)

New Delhi
July 13, 1993.

Returned

Reg'l - Seeking Permission to file Addl. Counter

FAIR LIST

S.No 50 9/3/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT HYDERABAD

M.A./~~R.A.~~ NO: OF 1999

IN

O.A. NO: 1595 OF 1997

Central Administrative Tribunal
प्राप्ति
RECEIVED
9 MAR 1999
हैदराबाद न्यायपीठ
Hyderabad Bench

~~EXTENSION OF TIME~~

~~VACATE STAY APPLICATION~~

FILED UNDER R8(3) OF CAT(P) RULES 1987

~~REVIEW APPLICATION~~ FILED UNDER ~~S.22(3) (f) OF~~ CAT ACT

FILED ON: 9/3/99

FILED BY:

V. RAJESWARA RAO

ADDL. C.G.S.C.

S.C. FOR RAILWAYS

May be filed

24/3/99

M.A.No.243/1999 in OA.1595/1997

DT:26-3-1999:

Heard Mr.V.Rajeshwara Rao for Applicants in the MA and Mr. V.Venkateshwara Rao for the Respondent.

The MA is not opposed. Under the circumstances referred to, the MA is allowed as prayed for. The applicant in the OA may file a Rejoinder if he desires so in view of the documents now filed.

The MA is disposed of.

HBSJP
M(J)

HRRN
M(A)

Dsn.

मूल/ORIGINAL

रक्षा/DEFENCE

बैंच केस/BENCH CASE

THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH.

M.A. NO. 243 OF 1999

IN

O.A. NO. 1595 1997

Seeking permission to file Addl. Material Papers.

Mr. V. Rajeshwar Rao.
COUNSEL FOR THE APPLICANTS

AND

Mr. V. Venkateshwar Rao.
~~Sr. Addl. Standing~~ Counsel for ~~C.G. Rlys.~~ Respondent/Applicant

46

[illegible]

[illegible]

[illegible] for [illegible] was also for publishing [illegible] and Mr. [illegible] coordinate [illegible] for the [illegible].

[illegible] proposed.

[illegible] discussions referred to, the [illegible] as well as [illegible] approximation in [illegible] objection if [illegible] to view [illegible] documents [illegible].

The [illegible] adjourned at.

[illegible]

[illegible]

[illegible]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1595 OF 1997

Dated, the 9th April, '99.

BETWEEN :

Kedarnath ... Applicant

A N D

1. Union of India,
   represented by its Secretary,
   Ministry of Defence,
   Govt. of India, Sena Bhavan,
   NEW DELHI 110 011.

2. The Director General of Electrical &
   Mechanical Engineering,
   Directorate General of EME (EME CIV)
   Master General of Ord Branch,
   Army Headquarters DHQ PO
   New Delhi 110 011.

3. The Commandant, 1 EME Centre,
   Secunderabad 500 087.

... Respondents

COUNSELS

For the Applicant : Mr. K. Venkateswara Rao

For the Respondents : Mr. V. Rajeswara Rao

CORAM:

THE HON'BLE MR. R. RANGARAJAN, MEMBER(ADMIN)

THE HON'BLE MR. B. S. JAI PARAMESHWAR, MEMBER(JUDL)

ORDER

(PER: HON'BLE MR. R. RANGARAJAN, MEMBER(ADMIN)

1. Heard Mr. V. Venkateswara Rao, learned counsel for the applicant. and Mr. V. Rajeswara Rao, Learned Standing Counsel for the respondents.

2. The applicant in this O.A. is a Boot Maker. Though initially he was appointed in the Semi-skilled category in the scale of pay of Rs.210-290, the same was upgraded to skilled grade in the scale of pay of Rs.260-400. The applicant submits that he joined as Semi-skilled on 16.1.1964 and he is continuing in the post of Boot Maker from that date onwards. The upgradation does not mean that he was promoted to the higher scale of pay of Rs.260-400. Hence, he filed O.A. No.167/93 for providing him promotional opportunities. That O.A. was disposed off by order dt. 13.2.95 (Annexure-VII, Pages 27 to 31 to the O.A.) Para 5 of that order is relevant, which is reproduced below :

> " 5. The impugned letter shows that he is still a Group 'D' employee whereas the letter dated 9.3.93 (vide No.506/EST/CIV) indicates that Boot-makers who are in the Grade of Rs.260-400 are Group-C Staff. Hence, the applicant should be treated as a Group 'C' employee and not a Group-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 per centages in the Highly Skilled Grade I and Grade II. It is not understood

why the percentage cannot be made applicable to the applicant 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 scale. 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 the higher scale as the scadre 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."

3. Thereafter, the respondent No.2 in the O.A. was directed to issue a suitable reply to the representation of the applicant as expeditiously as possible and preferably within 4 months from the date of receipt of a copy of that order, based on the observations made by us, as extracted above.

4. The respondents have issued the impugned reply to comply with the orders in O.A. 167/93 vide their letter No.8/21892/66/EME(EME CIV) dt. 20.8.97 (Annexure-IX to the O.A). From the reply it is seen that there is no functional necessity for having the post of Highly Skilled Grade-II and Highly Skilled Gr.I in the category of Boot-Maker.

5. Further aggrieved by the above, this O.A. is filed to set aside the impugned order dt. 20.8.97 of R-2 by holding the same as illegal, arbitrary and unconstitutional and for a consequential direction to grant him the same from the date he is entitled with all consequential benefits such as arrears of pay and allowances, etc.

6. A reply has been filed in this O.A. It is stated that higher post is not included for promotion in the Trade of Boot-maker by the Expert Committee. The reply does not indicate that the upgradation given to the applicant to the scale of Rs.260-400 should be treated as promotion. The Trade of Boot-maker cannot be clubbed as it is not one of the Trades recommended by the Expert Committee for giving higher grades. Hence, the respondents have rejected the case of the applicant.

7. The Apex Court repeatedly emphasized that an employee joined the Government service should not be allowed to continue in the scale of pay in which he is appointed till his retirement. The Apex Court further emphasized that at least one promotion should be given to a Government servant before his retirement. With that objective in view only the MOF, Department of Expendt., has issued orders vide their letter letter No. 10(1)E.III/88 dated 13th September, 1991 giving effect to in situ promotion scheme to the Group 'C' and 'D' employees. If the applicant cannot get a promotion in the respondents' organization, due to the reasons mentioned in the reply and for the reasons given in the impugned letter, then the applicant cannot be left high and dry without any promotion. Hence the in situ promotion scheme should be utilised to give at least one promotion to the applicant. That will meet the ends of justice.

8. In view of what has been stated above, the following directions are given :

(a) The applicant, if he fulfils the conditions laid down in the insitu promotion scheme issued by the Min of Fin Department of Expdr., vide their letter dt.13.9.91 on the basis of the scheme he should be considered for promotion and if he is found fit for in-situ promotion ~~fulfils for the same~~ he should be given that promotion from the date he becomes eligible for promotion.

(b) Time for compliance of (a) above is 2 months from the date of receipt of this order.

9. The O.A. is ordered accordingly. No order as to costs.

(B.S. JAI PARAMESHWAR)
MEMBER (J)
9.4.99

(R. RANGARAJAN)
MEMBER (A)

Dated, the 9th April, '99.

Dictated in open Court.

CS

Copy to:

1. HDHNJ
2. HHRP M(A)
3. HBSJP M(J)
4. D.R.(A)
5. SPARE

~~IST~~ AND IIND COURT

TYPED BY | CHECKED BY
COMPARED BY | APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR.JUSTICE D.H.NASIR:
VICE - CHAIRMAN

THE HON'BLE MR.H.RAJENDRA PRASAD:
MEMBER (A)

THE HON'BLE MR.R.RANGARAJAN :
MEMBER (A)

THE HON'BLE MR.B.S.JAI PARAMESWAR
MEMBER (J)

DATED: 9.4.99

ORDER/~~JUDGEMENT~~

MA ~~/RA./CP~~ No.

IN

O.A. NO 1595/97

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDER AS TO COSTS~~

SRR

(7 copies)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH
- 6 MAY 1999
हैदराबाद न्यायपीठ
HYDERABAD BENCH

IN THECENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD:

MA.NO. 675/1999
IN
OA.NO.1595/1997

Between

Date: 20-8-99

1 The Secretary, Min of Defence
Sena Bhavan, New Delhi.
2. The Director General of Electrical & Mechanical Engineering
Directorate General of EME(EME VIV)
Master General of Ord Branch, New Delhi.
3. The Commandant, 1 EME Centre, Sec'bad.

...Applicants

And

Kedarnath

..Respondent

Counsel for the applicants

..V.Rajeshwararao, Addl.CGSC

Counsel for the Respondents

..V.Venkateswararao

CORAM- THE HON'BLE MR.R. RANGARAJAN : MEMBER : (ADMN)
THE HON'BLE MR.B.S JAI PARAMESHWAR: MEMBER (JUDL)

******

THE TRIBUNAL MADE THE FOLLOWING ORDERS:

Heard Mr.V.Rajeshwararao, for the applicants in the MA. None for the respondent.

Already 4 months passed after the passing of the judgement in the OA. Two months time was given to implement the judgement. But even today the judgement is not implemented and the respondents want two more months for implementing the judgement. It is not correct on our part to give indefinitely time for implementing the judgement. The judgement should be implemented on or before 15-9-99.

The MA is disposed.

Section Officer.

RC Today

COPY TO:-

1. HDHNJ
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1st AND II nd COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

26/8/99

THE HON'BLE MR.JUSTICE D.H. NASIR
VICE - CHAIRMAN

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

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

****

ORDER DATE: 20/8/99

MA/~~RA~~/CP.NO 675/99
IN
OA.NO. 1595/97

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

(6 copies)

C.P. CLOSED

R.A. CLOSED

O.A. CLOSED

MA DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

M.A. NO: 675 OF 1999

IN

O.A. NO: 1595 OF 1997

BETWEEN:

1. Union of India
   rep. by its Secretary
   Ministry of Defence
   Govt. of India, Sena Bhavan
   New Delhi-110 011

2. The Director General of Electrical &
   Mechanical Engineering
   Directorate General of EME(EME CIV)
   Master General of Ord Branch,
   New Delhi-110 011

3. The Commandant,
   1 EME Centre
   Secunderabad-500 087

.....APPLICANTS/
Respondents

A N D

Kedarnath

..... RESPONDENT/
Applicant

APPLICATION FILED UNDER 8(3) OF CAT (P) RULES

OFR the reasons stated in the accompanying affidavit it is therefore prayed that the Hon'ble Tribunal may bepleased to grant extension of time by 3 months from 21st August 1999 and pass such other order or orders as the Hon'ble Tribunal may deem fit in the circumstances of the case.

COUNSEL FOR APPLICANTS/
RESPONDENTS

HYDERABAD,

Dt: 19 -07-1999

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

MA NO 675 99

IN OA N of 1595/97

BETWEEN:

1. Union of India, ... Applicants/Respondents
   Represented by its Secretary,
   Ministry of Defence,
   Govt of India, Sena Bhavan,
   New Delhi 110 011.

2. The Director General of Electrical &
   Mechanical Engineering,
   Directorate General of EME (EME CIV)
   Master General of Ord Branch,
   New Delhi 110 011.

3. The Commandant, 1 EME Centre
   Secunderabad 500 087.

AND

Kedarnath ... Respondent/Applicant

AFFIDAVIT

I, Lt Col MK Bhardwaj s/o Shri Bishan Dass Bhardwaj aged 43 years occupation : Defence Services, R/o: Secunderabad do hereby solemnly affirm and sincerely state as follows:

1. I am working as Adm officer in the office of Respondent No 3 and dealing with the subject case as such I know the facts of the case. I am filing this Affidavit on behalf of the Respondents as I am authorised to do so.

2. It is respectfully submitted the respondent/Applicant has filed OA questioning the letter No 8/21892/66/EME(EME Civ) dated 20.8.97 and sought other consequensal benefits.

3. This Hon'ble Tribunal disposed of the OA by directing as follows:

   (a) The applicant, if he fulfills the conditions laid down in the insitu promotion scheme issued by the Min of

Attestor Deponent

..2/

(S. Purushottam)
EME Officer (Civ)
Accounts Officer
for Commandant
1 EME Centre.

(MK Bhardwaj)
Lt Col
Adm Officer
1 EME Centre

Fin, Department of Expdr., vide their letter dt 13.9.91 he should be condisdered for promotion on the basis of this scheme and if he is found fit for in-situ promotion he should be given that promotion from the date he becomes eligible for promotion.

(b) Time for compliance of (a) above is 2 months from the date of receipt of this order.

4. The copy of the order received by the department through our counsel datèd 21 Jun 99. After receipt of order, the department has initiated steps to comply directions, however due to administative delays the time granted by the Hon'ble Tribunal may not be adequate and futher more time is required to complete directions.

5. Hence, the Hon'ble Tribunal may be please to grant extension of time by 3 months from 21 Aug 99 and pass such orders as the Hon'ble Tribunal may deem fit in the circumstances of the case.

DEPONENT

(MK Bhardwaj)
Lt Col
Adm Officer
1 EME Centre

Solomnly sworned and signed
his name on this thirteenth day of
July, 1999 before me

BEFORE ME

ATTESTOR

(S. Purushottam)
EME Officer (Civ)
Accounts Officer
for Commandant
1 EME Centre.

Reg:- Extension of Time

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT HYDERABAD

M.A/~~RCA~~ NO: OF 1999

IN

O.A. NO: 1595 OF 1997

EXTENSION OF TIME /

~~VACATE STAY APPLICATION~~

FILED UNDER R8(3) OF CAT(P) RULES 1987

~~REVIEW APPLICATION FILED UNDER S.22(3)(f) OF CAT ACT~~

FILED ON: 18/8/99

FILED BY:

V. RAJESWARA RAO

ADDL.C.G.S.C.

S.C. FOR RAILWAYS

Court to decide 18/8

May be filed 18/8

MA. 675/99 in OA 1595/97.

20/8/99.

Heard Mr. V. Rajeswara Rao for the applicants in the MA. None for the Respondent.

Already 4 months passed after the passing of the Judgement in the OA. Two months time was given to implement the Judgement. But even today the Judgement is not implemented and the Respondents want two more months for implementing the Judgement. It is not correct on our part to give indefinitely time for implementing the Judgement. The Judgement should be implemented on or before 15-9-99.

The MA is disposed.

HBSJP M(J) HRRN M(A)

C.C. by Monday i.e., 23/8/99

रक्षा/DEFENCE

बेंच केस/BENCH CASE

मूल/ORIGINAL

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD

M.A.NO. 675 of 1999

IN

O.A.NO. 1595 of 1997

Extension of time

Mr. _____

~~COUNSEL~~ FOR THE APPLICANT/S

AND

MR. V. Rajeswara Rao

STANDING COUNSEL
ADDL. STANDING COUNSEL FOR Cen.Govt.
~~SENIOR STANDING COUNSEL for Cen.Govt.~~
S.C.FOR RLYS.

Mr. V. Venkateswara Rao
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

U/R 8(3) of CAT (P) Rules 1987

M.A. No. 549 OF 1998

in

O.A. No. 1595 OF 1997

Between :

Kedarnath .. Applicant

AND

1. Union of India
   rep. by the Secretary,
   Ministry of Defence,
   Seva Bhavan, New Delhi.

2. The Director General,
   E.M.E., Directorate General of EME,
   Army Headquarters, New Delhi.

3. The Commandant,
   1-E.M.E.,Centre,
   Secunderabad. .. Respondents

For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Tribunal may be pleased to fix an early date for final hearing of the above O.A. and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

COUNSEL FOR THE APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

M.A. No.549 OF 1998

in

O.A. No.1595 OF 1997

Between :

Kedarnath .. Applicant

AND

1. Union of India
   rep. by the Secretary,
   Ministry of Defence,
   Seva Bhavan, New Delhi.

2. The Director General,
   E.M.E., Directorate General of EME,
   Army Headquarters, New Delhi.

3. The Commandant,
   1_E.M.E. Centre,
   Secunderabad. .. Respondents

A F F I D A V I T

I, KEDARNATH, S/o. KALICHARAN, aged about 56 years, Occupation: Central Government Service, resident of Hyderabad ~~xx~~ do hereby solemnly affirm and sincerely state on oath as follows :

1. I am working as Boot Maker in the Office of the Commandant, 1-E.M.E. Centre, Secunderabad. I am well acquinted with the facts of the case. I am filing this affidavit on my behalf of.

2. I filed the above O.A. for the relief of grant of the Highly Skilled Grade-I & II and questioning the letter dt.28.8.1997 by which my representation was rejected

ATTESTOR

केदारनाथ

DEPONENT

To fix an early date

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

M.A. No. OF 1998

in

O.A. No.1595 OF 1997

Expedite Petition

Central Administrative Tribunal
प्राप्ती
RECEIVED
15 JUL 1998
9156
हैदराबाद न्यायपीठ
Hyderabad Bench

Regd
15/7/98
for V. Rajeswara Rao

Rev. Sub to Tuesday on 16/7/98

Filed by

V. Venkateswara Rao, Advocate
Counsel for applicant.

May be listed
16/7/98

for the promotion to the said grade. I am due for retirement on 31.7.1999 on reaching the age of superannuation. I am working as Boot Maker and throughout my service I have not been given ~~any~~ even a single promotion.

3. In view of the circumstances, I pray that this Hon'ble Tribunal may be pleased to fix an early date for final hearing of the above O.A. and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

केदारनाथ

DEPONENT

Solemnly and sincerely affirmed
this 13th day of July 1998
and he signed his name in my
presence.

Before me

ATTESTOR

मूल/ORIGINAL

रक्षा/DEFENCE

बेंच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

M.A.No. 549 of 1998
IN

O.A.No. 1595 of 1997

21.7.98

MA No 549 of 1998
in
OA No 1595 of 1997

Heard Shri V. Venkateswara Rao for the Applicant. None for the Respondents.

List this OA immediately after 1996 cases are over.

MA is ordered accordingly.

HRRN
M(A)

Expedit Petition

Mr. V. Venkateswara Rao
COUNSEL FOR THE APPLICANTS.
AND

Mr. V. Rajeswara Rao
Sr.ADDL. STANDING COUNSEL FOR C.G.Rlys.

R-I

F.No.10(1)E.III/88
Government of India
Ministry of Finance
Department of Expenditure

New Delhi:
Dated:25th May, 1992

OFFICE MEMORANDUM

Sub:Career advancements of Group 'C' and 'D' employees - clarifications.

*****

The undersigned is directed to refer to this Ministry of O.M.No.10(1)E.III/88 dated 13th September, 1991 and 6th November, 1991 on the subject mentioned above and to say that some Ministries/Departments have sought clarification on a number of points with a view to grant the benefit of in situ promotions in terms of the said orders. The points are clarified as under:-

POINT OF DOUBT	CLARIFICATION
1. Whether the provisions of these orders are applicable to Industrial workers.	Yes
2. Whether the provisions of these orders are applicable to re-employed pensioners	No
3. Whether an employee directly recruited in the scale of Rs.750-940 as Farash, Mali, Chowkidar etc. and subsequently appointed in the same scale as Peon etc. is eligible for the benefit of in situ promotion.	Yes, he is eligible for in situ promotion in terms of para 2(a) of OM dated 13-9-91 viz. from the date a directly recruited peon junior to him and fixed at the minimum of the scale becomes eligible for promotion.
4. Whether Mali, Farash, Chowkidar etc. who declined to be appointed as Peon can be considered for in situ promotion.	Yes
5. Where the employees in the pre-revised selection grade and ordinary grade have been placed in the same revised scale whether the employees belonging to erstwhile selection grade are entitled to in situ promotion.	Yes, provided they were appointed to ordinary grade as direct recruits and their pay was fixed at the minimum of that scale.
6. Whether in situ promotion can be allowed in case of persons who were initially appointed to a post on direct recruitment basis but subsequently transferred to different post(s) carrying the same scale of pay.	Yes, such persons are eligible for in situ promotion in terms of para 2(a) of O.M. dated 13-9-91 viz. from the date a directly recruited person junior to him and fixed at the minimum of the scale becomes eligible for promotion.

7.	Whether in situ promotion is permissible to a person who was initially appointed to a post in one organisation but subsequently transferred to another organisation in the same scale.	Yes, such persons are eligible for in situ promotion in terms of para 2 of the OM dated 13-9-91 viz. from the date directly recruited person junior to him in the new organisation whose pay was fixed at the minimum of the scale becomes eligible for promotion.
8.	Whether a Group 'C' employee stagnating at the maximum of the scale of pay for more than a year can be allowed in situ promotion to next higher scale which happens to be a Group 'B' scale.	No

Ministry of Home Affairs etc. are requested to follow the instructions in dealing with cases of in situ promotion in terms of the Ministry's O.M. dated 13-9-91.

SD/-

(B.KUMAR)
UNDER SECRETARY TO GOVERNMENT OF INDIA

To

All Ministries/Departments of Government of India
(As per standard mailing list with usual number of spare copies).

//TRUE COPY / ~~CERTIFIED COPY~~ //

(P.V.R.PRASAD)
DEPUTY DIRECTOR

उप निदेशक Deputy Director
रा.प्र.स.सं. (क्षे.सं.प्र.) N.S.S.O (F.O.D)
हैदराबाद-(आं.प्र) Hyderabad (A.P)

S.R.No.

_____ District

In the Central Administrative Tribunal at Hyderabad

O.A. No. of 199

VAKALAT

ACCEPTED

Date 199

V. VENKATESWAR RAO
ADVOCATE

Applicant
Counsel for Petitioner
Respondent

Address for Service : Phone : 7665481

V. Venkateswar Rao,
Advocate
1-8-430, Chikkadpally,
Hyderabad - 500 020.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

O.A. No. 1595 of 1997

Kedarinath.

Applicant

VERSUS

Union of India and others

I/We Respondent

Applicant-Petitioner / Respondent in the above Application/Petition do hereby appoint and retain

Mr V. VENKATESWAR RAO, & K. Phani Raju.
ADVOCATE

Advocate/s of the Tribunal to appear for me/us in the above Application/Petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein including all applications for return of documents or the receipt of any moneys that may be payable to me/us in the said Application/Petition and also to appear in all applications for leave to the Supreme Court of India and for review of judgement and to enter into compromise.

केदारनाथ

Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
प्राप्ती
RECEIVED
- 7 NOV 1997
3657
हैदराबाद न्यायपीठ
Hyderabad Bench

I Certify that the contents of this Vakalat were read out and explained in (.....) in my presence to the executant or executants who appeared perfectly to understand the same and made his/her/their signature or marks in my presence.

Executed before me this 2nd day of Nov 1997

(K.J. Prabhakar)
Advocate, Hyderabad.

Central Administrative Tribunal,
Hyderabad Bench, Hyderabad.

OA/~~TA~~ No. 1595 of 1997

MEMO OF APPEARANCE

V. RAJESWARA RAO
ADVOCATE
Standing Counsel for Railways,
Addl. Standing Counsel for Central Govt.

Counsel for...RESPONDENTS...

Address for Service : Phone : 272585

104/2 RT, Sanjeevareddy Nagar,
HYDERABAD-500 038.

Central Administrative Tribunal, Hyderabad Bench, HYDERABAD.

OA/~~CA~~No. 1595 of 1997

BETWEEN

Kedarnath

Applicant (s)

Vs.

UOI rep by Secretary, Ministry of Defence New Delhi and 2 others

Respondent (s)

MEMO OF APPEARANCE

To,

I V. Rajeswara Rao, Advocate, having been authorised.....

.....

(here furnish the particulars of authority)

by the Central/~~State Government~~/Government Servent/..... authority/corporation/ society notified under Sec. 14 of the Administrative Tribunals Act, 1985. Hereby appear for applicant No ...../Respondent No....R1 to R3 .. and undertake to plead and act for them in all matters in the aforesaid case.

Place : Hyderabad

Date : 23.2.98

Address of the Counsel for Service
V. Rajeswara Rao
104/2 RT. Sanjeevareddy Nagar,
HYDERABAD - 500 038.

V. RAJESWARA RAO
Standing Counsel for Railways,
Addl. Standing Counsel for Central Govt.

Signature & Designation of the Counsel.

72 ok

Form No.9. BY.R.P.A.D.
(See Rule 29)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
1st Floor, HACA Bhavan, Opp: Public Garden, Hyderabad.500004.A.P.

ORIGINAL APPLICATION NO. 1595 OF 1997.

Applicant(S) Kedarnath V/S Respondent(S)
Secy. Min. of Defence, New Delhi & Ors.

By Advocate Shri: V.Venkateswara Rao

(By/Central Govt.Standing Counsel)
Sri. V.Rajeshwara Rao, Addl. CGSC.

To.

R-1. Union of India, represented by its Secretary, Ministry of Defence, Govt. of India, Sena Bhavan, New Delhi.

R-2. The Director General of Electrical & Mechanical Engineering, Directorate General of EME (EME Civ), Master General of Ord Branch, Army Headquarters DHQ PO, New Delhi.

R-3. The Commandant, 1 EME Centre, Secunderabad.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal practitioner within ~~30 days~~ 15-1-98 of receipt of the notice before this Tribunal, either in person or through a Legal prectitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

Issued under my hand and the seal of the Tribunal
This the Second day of December, 1997

//BY ORDER OF THE TRIBUNAL//

Date 2-12-1997.

FOR REGISTRAR.

3/12/97

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH
- 4 DEC 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH

SEAL OF THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH