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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1125/99

DATE OF ORDER : 3.8.1999.

Between :-

T. James

... Applicant

And

1. The Chief Executive,
Heavy Water Board,
Department of Atomic Energy,
Vikram Sarabai Bhavan, 4th Floor,
Anushakti Nagar, Mumbai - 400 094.
2. The General Manager,
Heavy Water Plant,
Gouthaminagar, Aswapuram-507 116,
Khammam District, (A.P).

... Respondents

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Counsel for the Applicant : Shri V.Jagapathi

Counsel for the Respondents :: Shri V.Vinod Kumar, CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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... 2.

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri V.Jagapathi, Counsel for the applicant and Sri V.Vinod Kumar, Standing Counsel for the Respondents.

2. The applicant worked as an Operator Radio and Line CL-I in Indian Army from 1972 to 1987. After his discharge from Army Service he joined the Respondents organisation as Wireless Operator and was given the scale of pay equivalent to Jr.Clerk. It is stated that he submitted a representation for fixing him in the scale of Rs.1320-2040. He submits that on the basis of the representation a proposal was sent by reference No.HWPW/Inst/88612 dated 12.10.1988 (Annexure A-1 page-11 to the OA) for granting him the said scale. But by letter No.HWPM/1/WO/Rectt-92/849 dated 12.11.1992 (Annexure A-7 page-21 to the OA) the post of Wireless Operator was converted into Technical Grade with effect from 1.9.1992 and he states that he was given the next higher scale of Rs.1150-1500. The letter dated 12.11.1992 does not indicate the scale of pay. Be that as it may, it is stated that the request of the applicant was considered in the meeting held between HWP(M) Management and HWP(M) Employees held on 9.3.1999. The minutes of that meeting are at Annexure A3 (page-13 to the OA). The applicant submits that his case should have been considered by the D.A.E.when he submitted his representation, according to the para-4 of the above said minutes, which is re-produced below :-

"4. The Association drew the attention of the Management stating that 7 LDCs in DAB who were utilised as Wireless Operators, were redesignated as TM/C, after a period of 3 months from the date of their

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entry into service. However, the Wireless Operators who have been working in HWP(M) even prior to their date of joining though senior to them, were designated as TM/B only and, hence, their cases may be considered sympathetically and they should be redesignated as TM/C now since their juniors discharging similar nature of duties in DAE are enjoying higher status. The Association was informed that this matter will be taken up with DAE through HWB."

3. The applicant submitted his representation on the basis of the on 7.4.1999 (Annexure A-8 page-22 to the OA). That representation was rejected by the impugned order No.HWPM(R)/01/04(A)/99/1059 dated 5.7.1999 (Annexure A9 page-23 to OA). This O.A. is filed to set aside the impugned order dt.5.7.99 and to declare that treating him as Tradesman 'C' is arbitrary, discriminatory and illegal and for a consequential direction to the respondents to re-fix the pay of the applicant in the pre-revised scales of Rs.1320-2040 by suitably designating him in the pre-revised scales of pay.

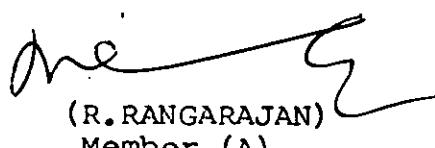
4. As per the minutes of the meeting held with the Employees Union dated 9-3-1999, the case of the applicant should be taken up with the Department of Atomic Energy ~~HWP(M)~~ and on that basis the decision of the Department of Atomic Energy has to be obtained and suitable action on that basis has to be taken. The applicant states that the order dt.5.7.1999 has been issued by the Respondent ~~W.S.~~ without having the case considered by the D.A.E. Hence he submits that the impugned letter has to be set aside.

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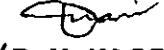
5. A study of the impugned order dated 5-7-1999 does not indicate that the letter was issued in consultation with the Department of Atomic Energy. Hence we see a point in the submissions of the applicant. In that case the Respondent No.2 should refer the applicant's matter with their comments, if any to the Respondent No.1 for a final decision.

6. In view of the above analysis of this case, the impugned order dated 5.7.1999 (page-23 to the OA) is set aside and the Respondent No.2 is directed to take up this case with D.A.E. and to convey the DAEs decision to the applicant expeditiously.

7. O.A. is ordered accordingly at the admission stage itself. No costs.



(R. RANGARAJAN)
Member (A)



(D.H. NASIR)
Vice-Chairman

Dated: 3rd August, 1999.
Dictated in Open Court.



6/8/99

avl/

1st AND 2nd COURT.

COPY TO:-

1. H.D.H.N.J.

2. H.H.R.P.M.(A)

3. H.B.S.J.P.M.(J)

4. D.R. (A)

5. SPARE

TYPED BY
COMPARED BY

CHECKED 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. RADHENDRA PRASAD
MEMBER (ADMIN)

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

THE HON'BLE MR. D.S. JADIPARAMESHWAR
MEMBER (JUDL)

ORDER: Date. 3/8/99

ORDER / JUDGMENT

MA./RA./CP.NO

IN

DA.NO. 1125/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

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