

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 17.8.2001

1. OA 356/95

I. Akhilesh Kumar Soni s/o Shri Vidhyadhar Soni,
MES-167646.

II. Avtar Singh s/o Shri Baldev Singh, MES-167529

... Applicants

Versus

1. Union of India through Secretary, Ministry of
Defence, New Delhi.

2. Engineer-in-Chief, Army HQs, Kashmir House, New
Delhi.

3. Chief Engineer, Southern Command, Pune.

4. Chief Engineer, Jaipur Zone, Power House Road, Bani
Park, Jaipur.

5. Commander Works Engineer (MES), Jaipur Cantt, Jaipur.

6. Shri Om Prakash, MES-167542 c/o Garrison Engineer,
Khatipura, Jaipur.

... Respondents.

2. OA 422/95

1. Vijay Kumar, Electrician (SK) under G.E.Nasirabad,
Ajmer.

2. Mohammed Hussain, Electrician (SK) under G.E.
Nasirabad, Ajmer.

Versus

1. Union of India through Secretary, Ministry of
Defence, New Delhi.

2. Engineer-in-Chief, Army HQs, Kashmir House, New
Delhi.

3. Chief Engineer, Southern Command, Pune.

4. Chief Engineer (MES), Jaipur Zone, Power House Road,
Bani Park, Jaipur.

5. Garrison Engineer (MES), Nasirabad.

6. Shri Ram Dev, HS-II, o/o G.E. (MES), Nasirabad.

... Respondents

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CORAM:

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicants

... Mr.U.D.Sharma

For the Respondents

... Mr.S.S.Hasan, proxy counsel
for Mr.S.M.Khan

O R D E R

PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

In both these applications relief sought is the same and, therefore, both the applications are disposed of by this common order.

2. Applicants' case is that they had joined the respondent department as Switch Board Attendant (SBA, for short) on various dates between 1972 to 1981. In terms of Government of India's order dated 16.10.81 the SBAs were redesignated as Electrician (SK) and were given the pay scale of Rs.260-400, applicable to the Electricians. Earlier, SBA was the feeder cadre for the post of Electrician but w.e.f. 16.10.81 the SBA cadre was no longer a feeder cadre for the post of Electrician (SK). The applicants have also passed the trade test for the post of Electrician between 1980 to 1984. It has been contended by the applicants that in terms of respondents' letter dated 22.12.88 (Ann.A/3) the applicants are entitled for promotion to the post of Electrician Highly Skilled Grade-II without undergoing any trade test. Applicants have impugned the respondents' order dated 15.5.95 (Ann.A/1), wherein many of their juniors have been promoted as Electrician HS-II and their cases have been ignored. Hence this application.

3. In the counter it has been stated by the respondents that Electrician (SK) were promoted to the post of

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It is seen from the letter dated 22.12.88, extracted above, that the SBAs were redesignated as Electrician (SK). It is also provided that Lineman, Wireman, Armature Winder and SBA who were promoted earlier as Electrician would rank enmasse senior to all others. It has further been provided that SBAs and Wiremen were ~~not~~ required to qualify again in the Electrician Skilled Grade trade test for becoming eligible for appearing in the trade test of Electrician HS-II and they will be considered as per their seniority laid down in para 2(c)(i)&(ii) above. Applicants have not brought on record any material to show that juniors to them have been promoted as Electrician HS-II. They have impleaded one Om Prakash as a party respondent and have claimed that he has been promoted as Electrician HS-II vide respondents' order dated 15.5.95, though he is junior to the applicants. Here it is pointed out that Shri Om Prakash is a reserved category candidate and he could have been promoted against roster reservation. Applicants, therefore, cannot compare their cases with that of Shri Om Prakash. It is not the case of the applicants that they also belong to reserved category. They have not pointed out the name of any other person, junior to them, who has been promoted as Electrician HS-II vide respondents' order dated 15.5.95. It has also been contended by the applicants that they were not required to pass any trade test for being promoted to the post of Electrician HS-II in terms of para 2(c) of respondents' letter dated 22.12.88. It would be seen from para 2(c) of the letter dated 22.12.88, reproduced above, that the SBAs and Wiremen were not required to qualify in the Electrician Skilled Grade trade test for becoming eligible for appearing in the trade test of Electrician HS-II. It has already been pointed out above that all the applicants have passed the trade test for the post of Electrician and in terms of para 2(e) above they are not required to pass that test again to

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HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicants ... Mr.U.D.Sharma

For the Respondents ... Mr.S.S.Hasan, proxy counsel
for Mr.S.M.Khan

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3. In the counter it has been stated by the respondents that Electrician (SK) were promoted to the post of

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Electrician HS-II after passing the trade test for HS-II vide letter dated 15.5.95 (Ann.A/1). The applicants had never appeared in the selection test and, therefore, they were not promoted as such. It has also been pointed out by the respondents that the applicants do not come within the zone of consideration for promotion to the post of Electrician HS-II and as such they cannot have any grievance. It has, therefore, been averred by the respondents that the applications are devoid of any merit and deserve dismissal.

4. We have heard the learned counsel for the parties and perused the records of the cases carefully.

5. For better appreciation of the controversy involved, we consider it appropriate to extract below the relevant portion of respondents' letter dated 22.12.88 :-

"1. In accordance with latest codification of trades issued vide Govt. of India, Ministry of Defence letter No.91026/88/D(W-II) dated 24 Jan. 87 Lineman, Armature Winder, Wireman and SBA have been redesignated as Electrician (SK).- Prior to the issue of these orders, Lineman, Wireman and SBA need to be the feeder categories to the post of Electrician and were in a lower pay scale of Rs.210-290 to that of Elect. (Rs.260-350). As per fitment policy issued vide Govt of India, Ministry of Defence letter No.F-1(2)/30/D/LCC/IC) dated 16 Oct 81 pay scales of SBA and Wireman were brought at par with Electrician (Rs.260-400). They were also removed as feeder grades to Electrician. 10% posts of SBA and Wireman were also given higher pay scales of Rs.350-480 vide Govt of India, Ministry of

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Defence letter No.1(2)/80/D (FCC/IC) dated 11 May 83.

2. Certain practical problems encountered by Command CE etc. in the initial stages of implementation of orders. The matter has been examined and the following guidelines/directions are issued :-

(a) Existing SBAs and Wiremen - Existing SBAs and Wiremen will be redesignated as Electrician (SK). 10% of existing Nos of SBAs and Wireman drawing higher pay scale will continue to do so. Further, 10% promotions in SBA and Wiremen will not be made.

(c) Inter - seniority between Electrician/Lineman/Wireman/Armature Winder and SBA will be determined as follows :

(i) Unskilled categories - The existing Electricians who were promoted from Lineman, SBA and Wireman will enmasse rank senior to all others. Seniority of directly recruited Electricians will also reckon as others who are/will be classified as Electrician (SK) from the date of their placement in the scale of Rs.260-400 (Pre-revised). The relative seniority of Lineman, Wireman and SBA will be fixed on the basis of their placement in the scale of Rs.260-400.

The relative seniority between Armature Winder and the rest of the trades including Electrician will be on the basis of their placement in the scale of Rs.260-400.

(e) SBA and Wireman in skilled grade are not required to qualify again in the Electrician Skilled Grade trade test for becoming eligible for appearing in the trade test of Elec HS-II. However, they will be considered as per seniority as laid down in para 2(c)(i)&(ii) above."

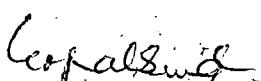
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It is seen from the letter dated 22.12.88, extracted above, that the SBAs were redesignated as Electrician (SK). It is also provided that Lineman, Wireman, Armature Winder and SBA who were promoted earlier as Electrician would rank enmasse senior to all others. It has further been provided that SBAs and Wiremen were ~~not~~ required to qualify again in the Electrician Skilled Grade trade test for becoming eligible for appearing in the trade test of Electrician HS-II and they will be considered as per their seniority laid down in para 2(c)(i)&(ii) above. Applicants have not brought on record any material to show that juniors to them have been promoted as Electrician HS-II. They have impleaded one Om Prakash as a party respondent and have claimed that he has been promoted as Electrician HS-II vide respondents' order dated 15.5.95, though he is junior to the applicants. Here it is pointed out that Shri Om Prakash is a reserved category candidate and he could have been promoted against roster reservation. Applicants, therefore, cannot compare their cases with that of Shri Om Prakash. It is not the case of the applicants that they also belong to reserved category. They have not pointed out the name of any other person, junior to them, who has been promoted as Electrician HS-II vide respondents' order dated 15.5.95. It has also been contended by the applicants that they were not required to pass any trade test for being promoted to the post of Electrician HS-II in terms of para 2(c) of respondents' letter dated 22.12.88. It would be seen from para 2(c) of the letter dated 22.12.88, reproduced above, that the SBAs and Wiremen were not required to qualify in the Electrician Skilled Grade trade test for becoming eligible for appearing in the trade test of Electrician HS-II. It has already been pointed out above that all the applicants have passed the trade test for the post of Electrician and in terms of para 2(e) above they are not required to pass that test again to

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be eligible for appearing in the trade test for the post of Electrician HS-II. We are of the view that contention of the applicants that they are not required to pass the trade test for Electrician HS-II is a result of misreading of the provision 2(e) above. It has also been contended by the applicants that the respondents never invited the applicants for the trade test for the post of Electrician HS-II. It has ~~also~~ ^{already} been pointed out that the applicants have not been able to make out a case that their juniors have been appointed as Electrician HS-II. The respondents have also pointed out that the applicants did not come within the zone of consideration for promotion to the post of Electrician (SK) and, therefore, they were not called for the trade test. In the light of above discussion, we do not find any merit in these applications and both the applications are liable to be dismissed. Accordingly, we pass the order as under :-

Both the OAs (No.356/95 and 422/95) are dismissed with no order as to costs.


(GOPAL SINGH)

MEMBER (A)


(B.S. RAIKOTE)
VICE CHAIRMAN