

Central Administrative Tribunal
Jabalpur Bench

OA No.710/04

Indore, this the 17th day of August, 2005.

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman

Hon'ble Mr.Madan Mohan, Judicial Member

1. K.K.Thawait
S/o Shri Chandan Prasad Thawait
2. K.R.Tiwari
S/o Shri Ramanuj Tiwari
3. R.L.Mandre
S/o Shri S.D.Mandre

(All are posted in Central Fuel Research
Institute as Group-D, N.T., Bilaspur
Unit, Bilaspur.

Applicants.

(By advocate Shri Sanjay Kumar Pandey)

Versus

1. The Director General
CFIR, Anusandhan Bhawan
2nd Rail Marg
New Delhi.
2. The Director
CFIR
P.O. – F.R.I. District Dhanbad
Jharkhand.
3. Union of India through
Secretary
Central Fuel Research Institute
Council of Scientific & Industrial Research
Ministry of Science & Technology
New Delhi.

Respondents.

(By advocate Shri K.N.Pethia)

ORDER



By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following reliefs:

- (i) Direct the respondents to post the applicants as LDC or Store Keeper and to pay them the pay scales as per the principle of equal pay for equal work with all consequential benefits.

2. The brief facts of the case are that the applicants who were initially appointed on Group-D posts in the Central Fuel Research Institute, Bilaspur Unit are presently serving on the post of Store Keeper/LDC since 1995 when they were shifted from the security duty to the stores. However, they are not being given the pay scale of Class III post since 1995. The applicants having requisite qualifications are eligible to be appointed on Class III posts. They submitted representations in this regard to the respondents, which elicited no response. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicants that the applicants are serving on Class III post as per the orders of the respondents, having been shifted from security duty to stores since 1995 but they are getting the pay scale of Class IV, which is nothing but humiliation and demoralization. The respondents are violating the principle of equal pay for equal work as well as Article 14 & 16 and 300A of the Constitution of India. The posts are lying vacant with the respondents and the applicants are having the requisite qualification and experience to hold class III posts. The benefit has been given to another employee one R.L.Mandre, as is mentioned in Annexure A3 issued by the respondents. Hence the applicants are legally entitled for the reliefs claimed.

4. In reply, learned counsel for the respondents argued that the applicants are working as Chowkidars in Group-D at Bilaspur Unit of CFRI, Dhanbad and they are working on the vacant post of Store Keeper/LDC. Merely getting special allowance to work in any particular section or implied deployment does not entitle them to be



appointed/promoted on the post of separate cadre. However, the applicants can appear/compete in the examinations to be conducted from time to time, if they have the requisite qualification. The action of the respondents is perfectly legal and justified and the OA is liable to be dismissed.

5. After hearing the learned counsel for the parties and carefully perusing the records, we find that the respondents have never appointed or promoted the applicants on Class III posts. The argument advanced on behalf of the respondents that merely granting special allowance to work in any particular section or implied deployment does not entitle them to be appointed/promoted and that they can compete in examinations from time to time seems to be legally correct. As a matter of right the applicants cannot claim the reliefs sought.

6. Considering all facts and circumstances of the case, we deem it just and proper to direct the respondents to consider the case of the applicants for appointment/promotion on Class III posts in preference to others whenever vacancies arise in the department of the respondents. We do so accordingly.

7. The OA is disposed of as above. No order as to costs.

(Madan Mohan)
Judicial member

(M.P.singh)
Vice Chairman

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पृष्ठानकन सं ओ/न्या.....जबलपुर, दि.....
चतुर्लिपि अर्चयितः--

- (1) सचिव, उच्च न्यायालय, जबलपुर
- (2) आदेशक श्री/श्रीमती/शुके कार्यालय
- (3) प्रत्यक्षी श्री/श्रीमती/शुके कार्यालय
- (4) अध्यक्ष, कोषा, जबलपुर न्यायालय
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

SANJAY K. PANDAY
DR. B. K. PANDAY
K. K. PANDAY
RB

Filed
24.8.05