

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 1102 of 2000

Jabalpur, this the 30th day of April, 2004

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

Hon'ble Mr. A.S. Sanghvi, Judicial Member

1. S.Pillai
aged about 53 years
Son of Late Moorty Narayan Pillai
Occupation: Chargeman II(T)
Vehicle Factory Jabalpur.
2. D.P.Lahri
Aged about 48 years
Son of Shri J.N. Lahri
Occupation: Chargeman II
Vehicle Factory Jabalpur
3. K.N. Dubey
Aged about 56 years
Son of Late Shri S.L. Dubey
Occupation: Chargeman-II(T)
Ordnance Factory Khamaria
Jabalpur.
4. Ramayan Vishwakarma
Aged about 51 years
Son of Shri Banshraj Vishwakarma
Occupation: Chargeman (II)(T)
Ordnance Factory Khamaria
Jabalpur
5. D.K. Verma
aged about 48 years
son of Late Shri Balmikiji
Occupation:Chargeman(II)(T)
Gun Carriage Factory Jabalpur
6. Brinda Prasad
Aged about 45 years
Son of Shri R.S. Prasad
Occupation: Chargeman(II)(T)
Gun Carriage Factory Jabalpur

APPLICANTS

(By Advocate - None)

VERSUS

1. Union of India
Through the Secretary
Ministry of Defence New-Delhi
2. Chairman
Ordnance Factory Board,
10-A, Auckland Road Calcutta.
3. General Manager
Ordnance Factory Khamaria Jabalpur
4. General Manager
Gun Carriage Factory
Jabalpur

RESPONDENTS

(By Advocate - Shri P.Shankaran)

O R D E R

By A.S. Sanghvi, Member (Judicial) -

The applicants ~~were~~ working as High Skilled Grade-I in the pre-revised scale of Rs. 1320-2040/- and subsequently promoted to the post of Chargeman Gr.II (T) in the pay scale of Rs. 1400-2300/- w.e.f. 10.05.1993, have approached this Tribunal with a prayer to direct the respondents to re-designate them as Chargemen Gr.II (T) w.e.f. 1.1.1986. They have based their claim on a decision of the Mumbai Bench of the Central Administrative Tribunal rendered in OA No. 317 of 1995 on 5.6.2000. According to them they are also working on the post of Chargemen Gr.II(T) by getting promotion from the post of High Skilled Grade-I since 10.5.1993 alike the Chargemen Gr.II promoted from the post of Supervisor Gr.'B'. Since the Chargemen Gr.II promoted from the post of Supervisor Gr.'B' are being given effect from 1.1.1986, they are being discriminated even though they being senior to the Supervisor Gr.'B' and they will be losing their seniority in the cadre of Chargemen Gr.II. They are, therefore, required to be ~~provided with~~ the seniority in the grade of Chargemen Gr.II w.e.f. 1.1.1986

2. The respondents on the other hand in their reply submitted that the applicants in OA No. 317/1995 before the C.A.T. Mumbai Bench were Super (T) in the pay scale of Rs. 1400-2300 w.e.f. 1.1.1986 whereas the present applicants were in the pay scale of Rs. 1320-2040. Hence the claim of the applicants that they are entitled to the benefit of C.A.T. Mumbai Bench's order dated 5.6.2000, therefore, is not tenable at all. Respondents have relied on the decision of the CAT Madras Bench rendered in OA Nos 419/98 and 899/98 on 28.8.2000 and submitted that in an identical case the Madras Bench of this Tribunal has dismissed the claim of the applicants therein. They have also pointed out that the post of Chargemen Gr.II (T) is to be filled up by promotion as per SRO 13-E dated 4.5.1989 from the post of Draftsman or

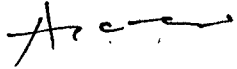
equivalent in the pay scale of Rs. 1200-2040 with three years regular service failing which from the post of High Skilled Grade-I with three years service or High Skilled Grade-II with six years of regular service in respective category. The same can also be filled by transfer inter-se of Draftsman in the scale of Rs. 1400-2300 and Super (T) or equivalent in the pay scale of Rs. 1400-2300. The applicants have deliberately concealed these facts and tried to take undue advantage of the decision of the Mumbai Bench of this Tribunal which does not apply to their case at all. They have prayed that the O.A. be dismissed with costs.


3. We have heard the learned counsel for the respondents. Since none is present on behalf of the applicant and the matter being old one pertaining to the year 2000, we proceeded to decide this O.A. by invoking the provisions of Rule 15 of C.A.T. (Procedure) Rules, 1987.

4. The recruitment rules for the post of Chargemen Gr.II (T) as narrated above clearly suggest that the claim of the applicants is completely unfounded. The applicants were never holding the post of Super (T) in the scale of 1400-2300/- on 1.1.1986 and as such they cannot claim that they are similarly situated employees and are entitled to the benefit of the decision of the CAT Mumbai Bench given in OA No. 317/1995. Admittedly, the applicants were working as High Skilled Grade-I and not as Super (T) and as such cannot claim that the decision of the Mumbai Bench of this Tribunal is applicable to them also. The crux of the matter is that on 1.1.1986 the applicants were ^{not} promoted to the post of Chargemen Gr.II and as such their prayer that they should be re-designated as Chargemen Gr.II w.e.f. 1.1.1986 cannot be entertained and allowed. So far the post of Chargemen Gr.II is concerned, admittedly the same is a promotional post from High Skilled Gr.I and on 1.1.1986

the applicants were only High Skilled and not Chargemen Gr.II. In view of this fact, it is difficult to understand how the applicants' claim of their re-designation as Chargemen Gr.II w.e.f. 1.1.1986 be considered as tenable.

5. The respondents have relied on a decision of the Madras Bench of C.A.T. passed in OAs No. 419/98 & 899/98 on 28.8.2000. Though we find that the decision of the Madras Bench, as referred to above, pertained to the seniority list of HSK-I employees, the said seniority list was prepared after the merger of Supervisor with HSK-I after the abolition of the Super (T) cadre, Madras Bench had upheld the seniority of the merged cadre. The applicants' prayer to re-designate the applicants as Chargemen Gr.II with effect from 1.1.1986 was not before either of the Benches of the Tribunal, as such they cannot claim that they should be given ~~even~~ the seniority from 1.1.1986. We, therefore, do not see any merit in this O.A. and are of the opinion that this O.A. deserves to be dismissed and the same is accordingly dismissed with no order as to costs.


(A.S. Sanghvi)
Member (Judicial)


(M.P. Singh)
Vice Chairman

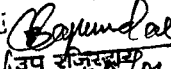
/na/

पृष्ठान्कन सं ओ/व्या.....
परिचय

- (1) सचिव, उच्च न्यायालय
- (2) अध्यक्ष, उच्च न्यायालय
- (3) प्रमुख, उच्च न्यायालय
- (4) उपाध्यक्ष, उच्च न्यायालय

सूचना एवं आदेशक वर्गान्तर्गत

Sati Sh. Shivasthana
P. Shankaram


उप सचिव
18/5/01

Received
10/5/01