

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 862 of 1997

Jabalpur, this the 11th day of February, 2003

Hon'ble Mr. Justice N.N. Singh- Vice Chairman
Hon'ble Mr. R.K. Upadhyaya- Member (Admnv.)

Lal Singh Thakur son of Shri Budha
Singh, aged about 42 years, Chargeman-II
IED, O.F. Itarsi (M.P.)

-APPLICANT

(By Advocate- Mrs. Sudha Rani Shrivastava)

Versus

1. Union of India through
Secretary, Ministry of Defence,
South Block, New Delhi.
2. The Chief Controller of Accounts (Fys)
Ordnance Factory Board, 10-A,
Auckland Road, Calcutta.
3. General Manager/G.S. Indian Ordnance
Factory, Gun Carriage Factory,
Jabalpur.

4. The General Manager,
Ordnance Factory, Itarsi (MP)

-RESPONDENTS

(By Advocate- Mr. S.A. Dharmadhikari)

O R D E R

By R.K. Upadhyaya, Member (Admnv.):

By this application, the applicant has claimed that he should be allowed benefit of promotion or in the alternative his transfer to Itarsi may be cancelled.

2. It is claimed that the applicant was initially recruited as Carpenter in Gun Carriage Factory, Jabalpur in the year 1977 and in due course he was promoted as Draftsman in the pay scale of Rs. 1200-2040 with effect from 1.1.1986. After completion of five years service, he was granted pay scale of Rs. 1400-2300 in view of the order of this Tribunal in O.A. 439 of 1994 of Calcutta Bench dated 15.11.1995, with effect from 1.8.1990. According to the learned counsel of the

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applicant, the applicant should be promoted on transfer as Chargeman Grade-I in the scale of Rs.1600-2660 or if no promotion is granted to the applicant, he should be retained at Jabalpur.

3. The respondents in their reply have stated that the applicant was given the upgraded pay scale of Rs.1400-2300 with effect from 1.8.1990 and placed at Rs.1400/- i.e. prior to the date of his transfer on promotion to the grade of Chargeman Gr.II.(Tech.) and his pay was re-fixed in the grade of Draftsman as well as Chargeman Gr.II.(Tech) in the scale of pay of Rs.1400-2300 vide Factory Order dated 5.2.1997. Thereafter, the applicant by letter dated 22.4.1997 represented for grant of two increments in the pay fixation on his promotion to the post of Chargeman Gr.II(Tech.). The respondents have stated that after the revision of the pay scale of Draftsman, since both the pay scales of Draftsman and Chargeman Grade-II(Tech) became identical, there was no provision to give him any pay fixation benefit. It has further been stated that since the pay fixation was not shown on his promotion to Chargeman Grade-II (Tech) on 10.5.1993. The said Factory order has been modified showing his pay as Rs.1480/-with effect from 10.5.1993 (the date on which he assumed charge on transfer in the grade of Chargeman Grade-II) and then Rs.1520/- with effect from 1.8.1993. Since the applicant has been given benefit of revision and upgradation of his pay in the scale of Chargeman Grade-II (Tech.), he is not entitled to any further benefit of his pay fixation. The respondents have further stated that the applicant was the juniormost in GCF, Jabalpur, therefore, he has been given promotion by transfer by virtue of Ordnance Factory Board's order dated 19.4.1993.

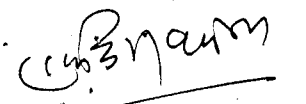
3.1 The learned counsel of the respondents stated that the applicant has accepted his promotion vide order

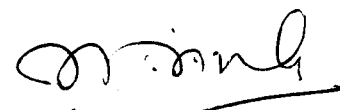
C. B. Singh

dated 3.5.1993 (Annexure-A-1) and has joined duties on the post of Chargeman Grade-II (Tech.) on 10.5.1993 at Itarsi. Therefore, he cannot make any grievance of his transfer to Itarsi at this stage. He also stated that no person junior to him has been promoted as Chargeman Grade-I and there is no question of promotion of the applicant on transfer to Itarsi as Chargeman Grade-I.

4. We have heard the arguments of the learned counsel of both sides and have also perused the material available on record carefully.

5. The applicant has been transferred on promotion, being the junior most person in that factory. There is no error in granting benefit of promotion to the applicant regarding pay fixation. There is also no scope of considering his promotion to Chargeman Grade-I, as has been claimed by the learned counsel of the applicant, on the facts of this case. The applicant having already been awarded the pay scale of Rs.1400-2300 from 1.8.1990 and he has been transferred on promotion in the same pay scale, has been granted the admissible benefit of pay fixation and no further benefit is due to him. In this view of the matter, this OA being devoid of any merit is dismissed, without any order as to costs.


(R.K. Upadhyaya)
Member (Admnv.)


(N.N. Singh)
Vice Chairman

rkv.

पृष्ठान्त से ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि जारी है।

(1) उद्दिष्ट प्राप्त हुआ/नहीं प्राप्त हुआ, जबलपुर

(2) उद्दिष्ट प्राप्त हुआ/नहीं प्राप्त हुआ, जबलपुर

(3) उद्दिष्ट प्राप्त हुआ/नहीं प्राप्त हुआ, जबलपुर

(4) उद्दिष्ट प्राप्त हुआ/नहीं प्राप्त हुआ, जबलपुर

सूचना एवं जानकारी के लिए

Issued
on 14-2-03
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Dr. S. R. Sharma
S. P. Sharma

