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CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

O.A. No.060/00720/2014

Date of Decision: 12.1.2016,
Reserved On: 05.01.2016

**CORAM: HON'BLE MR. JUSTICE L.N. MITTAL, MEMBER (J).
HON'BLE MRS. RAJWANT SANDHU, MEMBER (A).**

1. MES No.370056 Jeet Singh, Electrician MCM
2. MES No.370983 Darshan Singh, FGM HS I
3. MES No.368681 Balam Singh, MCM FGM
4. MES No.369994 Gurdeep Singh, MCM FGM
5. MES No.370857 Chandeswar Thakur, Pipe Fitter HS I
6. MES No.370209 Suresh Chand, MCM Electrician
7. MES No.370548 Babu Singh, MCM FGM
8. MES No.370545 Sudagar Singh, FGM HS I
9. MES No.370740 Ram Singh, FGM HS I
10. MES No.370538 Gurjant Singh, Electrician HS I
11. MES No.370203 Parminder Singh, Electrician HS I
12. MES No.369835 Nand Singh, Pipe Fitter HS
13. MES No.371554 Billu Singh, Electrician HS I
14. MES No.370983 Darshan Singh, FGM HIS
15. MES No.373338 Rakesh Kumar, Valveman
16. MES No.370842 Nachhatar Singh, Electrician HS-II
17. MES No.370988 Sukhmander Singh, Electrician HS-I
18. MES No.370839 Nachhatar Singh, Electrician HS-II
19. MES No.370987 Roop Singh, Valveman
20. MES No.370738 Ajaib Singh, MCM-Electrician
21. MES No.370723 Harjeet Singh, Electrician HS I
22. MES No.370993 Darshan Singh, Electrician MCM
23. MES No.370547 Atma Singh, MCM FGM
24. MES No.313334 Gulab Singh, Electrician HS-I
25. MES No.370984 Jagjit Singh, FGM HS I
26. MES No.370592 Jagraj Singh, Electrician HS I
27. MES No.368183 Gurcharan Singh, FGM HS I

All working in the Office of Garrison Engineer (U) Bhatinda.

...APPLICANTS

BY ADVOCATE: Sh. Shailendra Sharma.

VERSUS

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Engineer in Chief, Army HQ, New Delhi.
3. The Chief Engineer South Western Command, Jaipur.
4. The Chief Engineer, Bhatinda Zone, Bhatinda.
5. Commander Works Engineer, Bhatinda.
6. Garrison Engineer (U), Bhatinda.

...RESPONDENTS

BY ADVOCATE: Sh. Sanjay Goyal.

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ORDER

HON'BLE MRS. RAJWANT SANDHÙ, MEMBER (A):-

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

"8(i) That the impugned letter Annexure A-4 be quashed as the same is totally arbitrary and illegal.
 (ii) That respondents be directed to grant the grade pay of Rs.4600/- as 3rd MACP to the applicants as the applicants have completed their 30 years of service.
 (iii) That the respondents be directed to decide the representation Annexure A-2 as moved by the applicants."

2. Written statement has been filed on behalf of the respondents while no rejoinder has been filed in the matter.

3. Arguments advanced by learned counsel for the parties were heard when they reiterated the content of the O.A. and written statement respectively.

4. We have given our careful consideration to the matter. It is seen that an identical claim for relief as put forth in the present O.A. was decided vide order dated 24.03.2015 in O.A. No. 061/00032/2014 titled Ran Singh & Ors. Vs. UOI & Others & O.A. No.060/00602/2014 titled Varinder Singh & Others Vs. UOI & Ors. Paras 4, 6 and 8 are relevant to the matter and these read as follows:

"4. In the counter reply filed on behalf of the respondents facts of the matter have not been disputed. However, it has been stated that cadre of Artisan Staff in Defence Establishment has been re-structured in modification of recommendation of Sixth CPC w.e.f. 01.01.2006 as per Government of India, Ministry of Defence letter No.(5)/2009-D (Civ.I) dated 14.06.2010 (Annexure R-1). The pay scales of Defence Artisan Staff stand modified w.e.f. 1.1.2006 as under:

(i)	Skilled	Pay Band PB-I, Grade Pay of Rs.1900/-
(ii)	Highly Skilled Grade-II	Pay Band PB-I, Grade Pay of Rs.2400/-

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(iii)	Highly Skilled Grade-I	Pay Band PB-I, Grade Pay of Rs.2800/-
(iv)	Master Craftsman	Pay Band PB-2, Grade Pay of Rs.4200/-

The Grade Pay of Rs.4200/- has been granted to the senior most individuals who were already granted ACP-II in the pre-revised pay scale of Rs.5000-8000 on completion of 24 years of service upto 31.08.2008, if otherwise found eligible. The applicants were quite junior to other individuals and had not completed 24 years of service upto 31.08.2008 and hence they were ineligible for grant of 2nd ACP in the pre-revised scale of Rs.5000-8000 up to 31.08.2008. Therefore, they cannot be treated at par with the senior most individuals though they were working on the same post.

5. XXXX

6. Arguments advanced by learned counsel for the parties were heard when learned counsel for the applicant narrated background of the matter. He stated that the applicants had not got any promotion in their entire service. They had completed 24 years of service between 01.1.2006, when the recommendations of the Sixth Pay Commission were implemented and 01.9.2008, when the MACPS came into effect. Learned counsel stated that the applicants were getting Grade Pay of Rs.4200/- as per the Second ACP and hence on completion of 30 of service, they were entitled to third MACP with Grade Pay of Rs.4600/-. The respondents had declined the claim of the applicant in this regard. He pressed that artificial demarcation has been created between the persons who got 2nd ACP before 01.1.2006 and those who got this in 2006-2007.

7. XXXX

8. We have given our thoughtful consideration to the matter. Although the applicants have impugned letter No.CC-II.B.77030/VI/CPC/IND/06/CSCC dated 10.03.2014, whereby clarification has been given by the MoD regarding claims of Grade Pay of Rs.4600/-, the letter No.11(5)/2009-D(Civ.I) dated 14.06.2010 which is the Policy letter regarding the Restructuring of Cadre of Artisan Staff in Defence Establishments in modification of recommendations of 6th CPC has not been impugned. Para 3(a) and 4(i) of this letter reads as under:

"3(a) Wherever the grade structure in the Industrial as well as Non-Industrial trades is already existing in the ratio of 45:55, the erstwhile Skilled and Highly Skilled, and 25% of Highly Skilled in the grade of Master Craftsman, the following will apply:

- * 45% of the posts may be granted the pay scale of Skilled Workers (Grade Pay of Rs.1900 in the Pay Band PB-I).
- * 25% of the remaining 55% may be granted the pay scale of MCM (Grade Pay of Rs.4200 in the pay band PB-2).
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(b)

(c)

4(i) The post of Master Craftsman shall be part of the hierarchy and the placement of Highly Skilled Grade I in the grade of Master Craftsman will be treated as promotion."

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The applicants got Grade Pay of Rs.4200/- in Pay Band-II as per their own admission during 2006/2007. This is the pay scale of MCM and as per Para 4(i) reproduced above, post of Master Craftsman is part of hierarchy and placement of HSG (I) in the grade of Master Craftsman will be treated as "promotion". Hence as per the policy regarding Restructuring of Cadre of Artisan Staff, the placement of the applicants in Grade Pay of Rs.4200/- is to be treated as "promotion". Since the applicants have got the promotion as such during the year 2006/2007, their claim of third MACP with grade pay of Rs.4600/- is not admissible as this claim would only have been allowed had they not got any promotion. Hence the claim of the applicants in these OAs that they be given 3rd MACP benefit in the Grade Pay of Rs.4600/- is without merit and the same is rejected.

5. In view of the decision in Ran Singh and Virender Singh (Supra), as referred above, the present O.A. is also rejected.


(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER


(JUSTICE L.N. MITTAL)
JUDICIAL MEMBER

Place: Chandigarh

Dated: 12.1.2014

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