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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00978/2014

**Order Reserved on 07.09.2015
Pronounced on 11.9.2015**

...
**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

1. 13892582K	SARBJEET SINGH	CMD-I
2. 6627575	MADAN GOPAL	CMD-I
3. 13893095N	NIRMAL SINGH	CMD-I
4. 13893083	GURMEJ SINGH	CMD-I
5. 6624284W	SWARAN SINGH	CMD-I
6. 13892171L	HARDEEP SINGH	CMD-I
7. 13892891N	KULDEEP SINGH	CMD-I
8. 13893036K	MOHINDER SINGH	CMD-I
9. 13892456X	VIJAY PAL SINGH	CMD-I
10. 6627585L	LIL BAHADUR	CMD-I
11. 6627574Y	H.P. SINGH	CMD-I
12. 13892613Y	GURMEET SINGH	CMD-I
13. 6627300	SOM DUTT	CMD-I
14. 13892361X	JAGDISH SINGH	CMD-I
15. 6627789	KARNAIL SINGH	CMD-I
16. 6627945W	OM PARKASH	CMD-I
17. 6624245	S. YADEV	CMD-I
18. 13892737K	INDERJEET SINGH	CMD-I
19. 13892674N	MONAHAR SINGH	CMD-I
20. 13893077	GURBAX SINGH	CMD-I
21. 13892506X	INDER MOHAN	CMD-I
22. 6627164H	LAKHWINDER SINGH	CMD-I
23. 6627685L	DAVI DUTTA	CMD-I
24. 13892612	MOHAN LAL	CMD-I
25. 1389272P	PALWINDER SINGH	CMD-I
26. 6627686	MISHRI LAL	CMD-I
27. 13892523X	PURAN CHAND	CMD-I
28. 6627970P	JOGINDER PAL	CMD-I
29. 6627387	MULKH RAJ	CMD-I
30. 13892903W	PURAN CHAND	CMD-I
31. 6627832	DIWAN CHAND	CMD-I
32. 13892368	TARSEM LAL	CMD-I

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33.	1382246X	SANSAR CHAND	CMD-I
34.	1389251	RANJEET SINGH	CMD-I
35.	13892513N	SAT PAL SINGH	CMD-I
36.	6627788P	JASWANT SINGH	CMD-I
37.	6627247	SURINDER SINGH	CMD-I
38.	6627820Y	M.S. BIRDHI	CMD-I
39.	6627203	KIRPAL SINGH	CMD-I
40.	13892583	JAGJIT SINGH	CMD-I
41.	6627570H	KEWAL KRISHAN	CMD-I
42.	13892217H	MANI RAM	CMD-I
43.	13893085M	RANJEET SINGH	CMD-I
44.	13736672K	DILAWAR SINGH	CMD-I
45.	13892542H	AVTAR SINGH	CMD-I
46.	13892639N	KEWAL	CMD-I
47.	6627648M	KULWANT RAI	CMD-I
48.	6627868M	RAGHUBIR SINGH	CMD-I
49.	13892370M	RAJINDER SINGH	CMD-I
50.	13892368	CHANDER PRAKASH	CMD-I
51.	13892368	TARSEM LAL	CMD-I
52.	6627388H	SATISH KUMAR	CMD-I
53.	6627640W	BHUMI SINGH	CMD-I
54.	13893511P	JANAK RAJ	CMD-I
55.	13892762M	DEV CHAND	CMD-I
56.	13892994L	SHAMSHER SINGH	CMD-I
57.	13892249N	DES RAJ	CMD-I
58.	13893055	JOGINDER SINGH	CMD-I
59.	6627301	AJIT KUMAR	CMD-I
60.	13892290	JORAVAR SINGH	CMD-I
61.	6627568	SATNAM SINGH	CMD-I

All working in the 5682 ASC Bn (MT)-905682 C/o 56 APO.

... Applicants

Versus

1. Union of India through Secretary to Govt. of India, Ministry of Defence, South Block, New Delhi-110011.
2. The Director General Sup. & Tpt. (ST 12 (Civ.)), Quartermaster General's Branch, Integrated HQ of MOD (Army), New Delhi-110011.
3. The Ofice-in-Charge, ASC Records (South), Bangalore-900493.
4. The Officer Commanding, 5682 ASC Bn. (MT)-905682, C/o 56 APO.

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... Respondents

Present: Sh. Rohiteshwar Singh, counsel for the applicants.
Sh. Sanjay Goyal, counsel for the respondents.

ORDER

BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking direction to the respondents for proper implementation of the Promotion Scheme for Civilian Drivers in Defence Establishment of 1996 and further a direction to the respondents to immediately grant the promotion to the post of CMD (Special Grade) along with its pay scale Rs.5000-8000 and grade pay to the applicants, retrospectively or from the due date with all consequential benefits including arrears etc. along with interest @18% per annum.

2. Averment has been made in the O.A. that the applicants have been working as Civil Motor Drivers Grade-I (CMD-I) under the supervision and control of respondent no.4. In 1996, a promotion Scheme for the Civil Motor Drivers was introduced by the MOD vide letter dated 05.12.1996 vide which the Government had introduced 3 grade structure for Staff Car Drivers in various Ministries/Departments which was also made applicable to the Civilian Motor Drivers working in the Defence Establishments (Annexure A-2). This Scheme specifically provided that the Scheme will be implemented w.e.f. 01.08.1993. Although the applicants were already promoted to the next higher scale (prior to Aug.

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1993) but still without considering the specific instructions providing protection to the applicants under the Promotion Scheme-1996, respondents reverted them back in the year 1996 to the post of the Civilian Motor Drivers (Ordinary Grade) in the pay scale of 950-1500. On 29.07.2002, respondent no.1 issued a letter regarding Promotion Scheme for Civilian Drivers in Defence Establishment vide which 3 grade structure for Staff Car Drivers as introduced in Promotion Scheme-1996 was converted into 4 grade structure for Staff Car Drivers and further mentioned eligibility period for appointment and promotion (Annexure A-3). Further, on 10.02.2006, respondents no.1 issued a letter regarding introduction of Promotion Scheme for Civilian Drivers vide which certain amendments were made in the Promotion Scheme-1996, and Promotion Scheme of 1996 was made applicable w.e.f. 01.08.1993 (Annexure A-4).

3. Since the applicants were suffering continuing financial loss, they made several representations in this regard to the higher authorities and also issued legal notice dated 11.04.2014 but to no avail.

4. In the written statement filed on behalf of the respondents it has been stated that as per Government of India, Ministry of Defence Letter No.PC-78812/Q/D/ST-12/2883/MOD/D(QS) dated 29.07.2002 (Annexure R-3) promotion of Civilian Motor Driver Grade-I to Civilian Motor Driver (Special Grade) in the erstwhile pay scale of Rs.5000-8000 is only a mere 5%. Therefore, all Civilian Motor Drivers Grade-I cannot be

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granted the grade of Civilian Motor Driver (Special Grade). However, out of 61 applicants the following Civilian Drivers have already been promoted to the post of Civilian Motor driver Special Grade.

- a. No.6627300 CMD Spl. Gde. Som Dutt (Applicant No.3).
- b. No.6627164 CMD Spl. Gde. Lakhwinder Singh (Retired from service) (Applicant No.22).
- c. No.6627247 CMD Spl. Gde Surinder Singh (Applicant No.37).
- d. No.6627203 CMD Spl. Gde. Kirpal Singh (Applicant No.39).
- e. No.6627388 CMD Spl. Gde. Satish Kumar (Applicant No.52).
- f. No.6627301 CMD Spl. Gde. Ajit Kumar (Applicant No.59)

Thus, the contention of the applicants that they all should be promoted to the post of Civilian Motor Driver Special Grade in the pay scale of Rs.5000-8000 is not possible for want of vacancies. Further, granting promotion to the higher grade is not merely on seniority basis but the case is required to be approved by Departmental Promotion Committee taking into consideration all requisite criteria given in the recruitment rules, subject to fitness in Annual Confidential Report and vigilance clearance. A copy of the seniority of roll of Civilian Motor Driver special grade is enclosed (Annexure R-4).

5. It has further been stated that prior to 1996 there were only two grades in the Cadre of Drivers i.e. Driver Grade-II in the pay scale of Rs.950-1500 (now Civilian Motor Driver Ordinary Grade in the erstwhile pay scale of Rs.3050-4590) and Driver Grade-I in the pay scale of Rs.1200-1800 (now Civilian Motor Driver Grade-II in the pay scale of Rs.4000-6000). Thereafter three grade structure i.e. Civilian Motor Driver

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Grade-II (pay scale of Rs.4000-6000) and Civilian Motor Driver Grade-I (pay scale of Rs.4500-7000) was introduced by the Government. Subsequently, four grade structure of these personnel by introducing a new grade called Civilian Motor Driver Special Grade (pay scale of Rs.5000-8000) was implemented by the Government w.e.f. 08.11.1996. The contention of the applicants that they were reverted back to the post of Civilian Motor Driver Ordinary Grade is incorrect. As per Government orders, their post has only been re-designated in the same pay scale as applicable to their re-designated post. Therefore, no financial loss has been caused to the applicants.

6. Arguments advanced by learned counsel for the parties were heard when they reiterated the contents of the O.A., rejoinder and written statement respectively.

7. We have given our careful consideration to the matter. From the material on record, it is clear that the persons who are designated as CMD Grade-I are promoted to the Civilian Motor Driver Special Grade (Rs.5000-8000) mainly keeping in view the availability of vacancies as only 5% of the posts in the cadre of CMDs are available for this category. Moreover, from the written statement filed on behalf of the respondents (para 4(i)) and as admitted in the rejoinder, some of the applicants have already been promoted as Civilian Motor Driver, Special Grade. So far as contention of the learned counsel for the applicants is

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concerned that the juniors have been promoted in preference to the seniors as CMD Special Grade, it is seen that has happened due to provision of reservation for placement in the higher grade.

8. In view of the discussion above, there is no merit in this O.A. and the same is rejected.

B. A. Agarwal
(DR. BRAHM A. AGRAWAL)
MEMBER (J)

Rajwant Sandhu
(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.

Dated: 11.9.2015

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