

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A.T.A No. 35/96.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. OA-35/96.....Pg.....1.....to.....4.....
2. Judgment/Order dtd. 19/4/96.....Pg. No.....Separate order Dismissed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....35/96.....Pg.....1.....to.....28.....
5. E.P/M.P.....NIL.....Pg.....to.....
6. R.A/C.P.....NIL.....Pg.....to.....
7. W.S.....NIL.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::::::::: 6th FLOOR

ORIGINAL APPLICATION NO. 25/96

MISC. PETITION/CONTEMPT PETITION/REVIEW APPLICATION NO. _____

(O A). _____

Jadhunanda Rai Jem APPLICANT(S)

VS.

H.O.I. Jem

RESPONDENT(S)

Mr. R. Deb Nath

Advocate for
Applicant(s)

Mr. S. Ali, G. Lash.

Advocate for
Respondent(s)

OFFICE NOTE

DATE

7.3.96

This application is in
form and within time

C. F. of Rs. 50/-

Deposited vide

BO/ED No. 0229370

Dated 18.3.96

None present. List for considera-
tion of admission on 18.3.96.

60
Member

Later on learned Sr.C.G.S.C Mr
S.Ali is present and the counsel of
the applicants Mr R.Deb Nath is also
present. The request to take up the
application today for consideration
of admission is allowed. Above order
order stands cancelled.

There are 5 applicants in this
application and their contention is
against reversion from Motor Pump
Attendant to Motor Pump Attendant(Mate)
fixation of pay after reversion and
recovery of pay. They have prayed for
joining together in this application
and having considered that they have
common cause of action and nature of
relief, the prayer to join together

contd.

CA/TA/CP/RA/ MP/ No.

OFFICE NOTE	DATE.	ORDER.
	7.3.96	<p data-bbox="855 424 1508 521">in this application by these five applicants is allowed.</p> <p data-bbox="855 529 1648 1075">They have contested against their reversion from MPA. No copy of any of the reversion orders is enclosed with the application. Apparently the reversion took place in July 1987. There is no date of appeal filed according to the enclosures D-1 to D-5 except in the case of Salmat Mia which is dated 15.4.95. Prima facie the application is out of time as regards the reversion is concerned.</p> <p data-bbox="855 1089 1648 1943">They have also contested against the fixation of pay ^{after} of their reversion to Mate(MPA). This order of fixation of pay after reversion is dated 25.9.1995(Annexure E-1). However, there is no fixation order in respect of Ram Kumar Ram, applicant No.2 and his name is not included in Annexure E-1. Moreover after this fixation order dated 29.9.95 there has been no appeal submitted by the applicant to the respondents against the order dated 29.9.95 fixing the pay of the applicants (except applicant No.2) on their reversion to Mate(MPA). Therefore the applicants have not exhausted the departmental remedies.</p> <p data-bbox="855 1957 1648 2503">Further the applicants have contested against the order of recovery of their pay. No order of recovery of their pay has however been enclosed with this application. Therefore it is not ascertainable whether any recovery of pay had actually been effected and the date of such recovery Annexure-3 enclosed with the application is only a sheet of paper without any particulars such as name of the</p>

contd..

3

9

O.A. 35/96

employee concerned. It only shows some particulars like months, dates and amounts. Therefore it cannot be ascertained whether this document relates to the applicants in this application.

This application therefore apparently suffers from —

- i) Time limitation,
- ii) Non Exhaustion of departmental remedies,
- iii) Absence of copies of impugned orders of reversion, recovery of pay and also order of pay fixation in the case of applicant No.2 and
- iv) Multiple causes of action.

At this stage learned counsel Mr R.Deb Nath requests that he may be allowed time to re-examine the application and remove the defects or take action as may be found necessary.

Adjourned for consideration of admission to 18.3.1996.


Member

pg

18.3.96

Counsel for the applicant submitted one petition dated 18.3.96 for adjournment on personal ground.

Adjourned to 19.4.96 as requested.


Member

pg

Order 2. 7. 3-96 *admd*
but counsel who
no. 498-99 2.7. 3-96



O.A.35/96

19.4.96

Learned Sr.C.G.S.C. Mr.S.Ali,
is present for the respondents. None
is present for the applicants. No
reply or action taken pursuant to order
dated 7.3.96. Application is dismissed
for non-prosecution.


Member

2218
Copy of the order
issued to the L/Admty
to the parties vide
D.N. 2872-73 D. 29.4.96

wh
me

C.A. No. 35/96.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI-BRANCH
BHANGAGARH
GUWAHATI

Central Administrative Tribunal
GUWAHATI BRANCH
1/MAR 1996
Gowahati Branch

An application U/S 19 of the Central Admn. Tribunal
Guwahati Branch.

Shri Jadhunandan Rai & others.
...Petitioner.

-VS-
Union of India

..Respondent.

I N D E X

<u>Description</u>	<u>Annexures</u>	<u>Page No.</u>
1. Application with Verification		1 to 9
2. Order No. 37(4) Dt. 12-9-83	A-I	10
3. Order No. 37(5) Dt. 12-9-83	A-2-	11
4. Order No. 37(7) Dt. 12-9-83	A-2	12
5. Order No. 41(16) Dt. 10-10-83	-A-3	12
6. Order No. 22(15) Dt. 23-8-82	A-4	13
7. P.T.O order 03 Dt. 18-1-88	B	14-15
8. List of Recovery of pay	C	16
9. Application of Individuals	D-1 to D-5	17 to 21
10. P.T.O 39 Dt. 25-9-95	E-I	22
11. Policy letter No. 131950/55/237 dated 10-11-86	F-I	23
12. Policy No. 90270/89/EIC dated 17-6-85	F-2	24
13. Central Administrative Tribunal order No. 796 dt. 1987	G	25-27
14. Particulars of Fee paid.		28
15. vakalatnama		29

For use of in Tribunal Office,

Date of Filing - 1.3.96

Registration No - C.A. 35/96

Received 1997
Jale
Sri CGSC
4/3/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH : GUWAHATI

O.A. 35 1996

BETWEEN

Shri Jadunandan Rai son of shri
Agani Rai, resident of Umroi Cantt.,
East Khasi, Hills, Distt. Meghalaya
and employed as Meter pump Attendant
in the Office of the GE Umroi, Shillong
Meghalaya and 4 others

PETITIONERS

VERSUS

1. The Union of India represented by
Secretary M of D New Delhi - 11
2. AHQs, Engineering-in-chief, DHQ
New Delhi-11
3. HQ, EC, FW, Calcutta-21
4. CE, Shillong Zone, Shillong - 3
5. Commander Works Engineers
Shillong - 3
6. GE Umroi, Umroi Cantt. Meghalaya
7. LAO(A) Shillong-2

RESPONDENTS

FOR USE IN TRIBUNAL'S OFFICE

1. Date of filing or date of receipt
by post _____
2. Registration no. _____

*Filed by
R. D. B. B. B.
1/3/96*

Jadunandan Rai

- 2 -

8

DETAILS OF APPLICATIONS

Particulars of Applicants:-

1(a). Name of the Applicant : Shri Jadunandan Rai ✓
(b) Name of Father : Shri Agani Rai
(c) Designation and office
to which attached : Motor Pump Attendant
attached to G.E Umrei
Umrei Cantt. Meghalaya
(d) Office address : G.E Umrei, Umrei Cantt.
Meghalaya
(e) Address of service of
all notices : as i(d)

and

(a) : Shri Ramkumar Ram ✓
(b) :
(c) : Motor Pump Attendant
of GE Umrei
(d) : as (d) above
(e) : as (d) above

and

(a) : Shri Salamat mia ✓
(b) : Shri Jamdali Mia
(c) : Motor Pump Attendant
of G.E Umrei
(d) : as i(d) above
(e) : as i(d) above

and

(a) : Shri Punaram Sharma ✓
(b) :
(c) : Motor Pump Attendant
GE Umrei Cantt, Meghalaya
(d) : as i(d) above
(e) : as i(e) above

- 3 -

Particulars applicants contra

and

- (a) : Shri Shri Ramesh Prasad Ram ✓
- (b) :
- (c) : Motor Pump Attendant
of GE Umroi
- (d) : as i(d) above
- (e) : as i(d) Above

2. Particulars of Respondents

(i) Name and designation of the
Respondents.

- (a) The Union of India
represented by Secretary
Ministry of Defence, New
Delhi-1
- (b) AHQrs. Engineering in-chief
branch, DHQ, New Delhi-11
- (c) HQrs E.C, Engineer, branch
Fort William, Calcutta-21
- (d) C.E Shillong, Zone Shillong
- (e) GE Umroi Umroi Cantt
- (f) LAO(ARMY) Shillong-2.

3. PARTICULARS OF THE ORDER AGAINST WHICH
APPLICATION IS MADE.

Arbitrary reversion order issued by HQ, Ec, F.W Calcutta
vide his letter no. 131950/55/237/Engineers/EIR(C) dated
10.11.86 basing on AHQs, Engineering in-Chief's branch
DHQ, New Delhi letter no. 9022270/89/EIC dated 22.10.86 and
Promotion/Reversion notified by GE Umroi under Part 11 O.O
no.

- (i) 37(4) dated 12.9.83 A-1
- (ii) 37(5) dated 12.9.83 A-2
- (iii) 41/16 dated 10.10.83 A-3
- (iv) 22/15 dated 23.8.82 A-4

contd

Vaduvadar kar

- 4 -

10

Contd.

- (v) [REDACTED]
- (vi) 03(11) dated 18.1.88 } B1
- (vii) 03(14) dated 18.1.88 }
- (viii) 39(14) dated 25.9.95 } E1
- (ix) 39(15) dated 25.9.95 }
- (x) 39(16) dated 25.9.95 }
- (xi) 39(17) dated 25.9.95 }

are annexed hereto as annexure + A B & E.

4. Jurisdiction of the Tribunal

The applicants declare that the subject matter of the order which he/they sought redressal/reliefs is/are within the Jurisdiction of the Tribunal.

5. Limitation

The applicants/Petitioners further that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act 1985

6. Permission for more than one person to join together and file a single petition.

Applicants pray ~~XX~~ to join together and file a single application as the cause of action and the nature of reliefs prayed for are identical in nature and have a common interest in the matter.

7. FACTS OF THE CASE

That your Humble Petitioner (s) is/are the Citizen of India and as such entitled to all rights and privileges guaranteed by the Constitution of India. That your Humble Petitioners had initially joined as Chowkidar/majaddeor and served as Chowkidar/mazdeor till 11.9.83 in the

Military Engineering Services under GE(AF) Shillong.

ii. That your Petitioners had been asked to appear in the Trade test Examination for promotion to Motor pump attendants.

Contd...

Yadunandan Lal

- (ii) That your Petitioners had passed the Trade Test for promotion to MPA conducted by Board of Officers and promoted to MPA in the pay Scale of Rs.260-400/- at that time and transferred to GE Umroi in the Capacity of the MPA w.e.f 12.9.83 to 29.7.87 and was drawing the same pay scale and thereafter earning increments from time to time.

A copy of the order is annexed as Annexure A 12,3,4.

- (iii) That your Humble Petitioners after serving from 12.9.83 to 29.7.87 as MPA, the GE Umroi had conveyed the decision of the Authorities to bring down the scale of the Petitioners from Rs.260- 400/- to Rs.210-290/- retrospectively from the dates of promotion as Petitioners were appointed as Motor Pump attendants and redesignated as Mate(MPA) from that date. That as a result, amounts paid to Petitioners as Pay and allowances in the past in excess of the Pay scale of Rs.210-290/- are sought to be recovered.

A copy of the said order i.e PTO -03 dated 18.1.88 is annexed hereto as Annexure "B".

- (iv) That from your Petitioners salary a part of the excess Pay and allowances in the scale of Rs.260-400/- has already been affected and Rs.2000/- has been recovered already from 6/88 to 10/88 @ Rs.400/- PM.

A copy of recovery details is annexed as Annexure "C".

- (v) That the Petitioners being aggrieved represented the matter to Commander Works Engineers, Shillong i.e concerned Authority for redressal vide appeal dated 15.4.95 but proved futile.

Copies of the Application are annexed hereto as Annexure "D" 12,3,4,5.

Contd....

Appeal
15.4.95

Nidhara

Contd...

(vi) That your Petitioners submit that your Petitioners were rightly promoted to the grade of Rs.260-400/- in 1983 having worked in the grade for nearly 4 years. So it can not be said that the promotion of the Petitioners was a mistake and should be refitted in the lower grade of Rs.210-290/-. It was a promotion given to your Petitioners after due consideration and took a trade test for the purpose and it is not 'mistake' as the authorities conceived.

A copy of the order is annexed hereto and marked as Annexure A 12344.

(vii) That your Petitioners continued to work as MPA till 1987. There nothing to show that your Petitioners is/are not performing his duties adequately or did not fulfil the qualification prescribed for that post after it was placed in skilled Category by the P.T.O no.37/4/83 dated 12.9.83.

(viii) That your Petitioners even after the so called 'Mistake' was pointed by the Office of the E-in-C Army Hqrs as late as 22.10.86 and re-iterated by Chief Engineer, Eastern Zone, Shillong on 10.11.86, the Petitioners continued to worked till '87 satisfactorily. So the reversion of your Petitioners from the post of MPA to MATE(MPA) w.e.f 12.9.83 was against the principle of Natural Justice and fairness.

(ix) That the reversion of your Petitioners to the grade of MATE(MPA) has given an affect of recovery of Pay and allowances in excess of the pay scale of Rs.210/- 290/- vide PTO 39 dated 25.09.95 which is against the principle of Natural Justice.

A copy of the order is annexed hereto as Annexure 'E'

contd...

Date of Reversion order?

*25.9.95
Fixation of Pay*

Nadhuanda Ra

Contd.

(x) That the Petitioners have continuously served for more than 4 years as MPA. As per principle of justice, legitimate incumbency of a post in the Govt. gives vested right which cant be disturbed. Further the Petitioners have played no part in any wrongful or mistake promotion. As such, the reversion of your Humble petitioners with out any fault or wrong will be a great sufference if not given the benifit of the Judgement of this Honourable court unless impugned order is stayed. Further the Petitioners will suffer irreparable loss and injury.

(x1) That as per the policy letters dated 10.11.86, 22.10.86 and 17.6.86 (Annexed in Annexure F. 1243) which was the base of the reversion of your Humble Petitioners, the Petitioners have again been promoted from MATE(MPA) to MPA from 7/87, keeping the service of the Petitioners in MATE(MPA), in the Scale of Rs. 210-290/- from 9/83 7/87.

8. Details of the remedies exhausted.

That your Petitioners do not have any remedies under this rules.

9. That the Petitioners further declare that they have not previously filed any application/writ Petition or suit regarding the matter in respect which this application has been made before any any court of law or any other Authority or any other bench of the Honourable Tribunal and no such application/writ petition is pending.

Contd..

Natarajan

RELIEF SOUGHT AND GROUNDS

10.(1) For that impugned order reverting the Applicants to the lower post after they have put in more than 4 years service i.e from 9/83 to 7/87 continuously with full satisfaction of work at par with stilled grade in most arbitrary manner is in violation of all the principle of Natural justice and rules and as such the impugned order is bad in law and liable to be set aside.

(ii)

For that Central Tribunal ~~XXXXX~~ of OA no. 796 of 1987 held that the persons similarly situated get benefit of continuation to the same scale of pay i.e Rs.260-400/- and thereafter revised scale in the post with out break till 1985

A copy of O.A 796 of 1987 is annexed as Annexure* 'G'.

(iii) For recovery of over payment due

wrong fixation of pay it was held in CAT '65(Bombay) in the case

of V.D Sarathi Vs GM. Central Rly. ATR 1989(2) that the wrong fixation decided after long lapse of time not permissible.

(iv) For that in view of the matter the impugned order is bad in law and liable to be set aside.

contd....

V. D. Sarathi

Contd.

It is therefore, prayed that your Lordships would be pleased to admit this application, and call for the entire records of the case and asked the Opposite Party to show cause as to why the impugned order of the Annexure 'B' should not be set aside after hearing the parties, set aside the impugned orders as your Lordships would deem fit and proper so as to grant adequate relief to the Applicants

11.

INTERIUM RELIEFS/ORDER

It is further prayed that the pending disposal of the Application your Lordships would be pleased to stay the Operation of the impugned order i.e PTO 39 of 25.9.95 issued/notified by GE Umroi Annexed in Annexure 'E' and any other similar orders.

~~XXXXXXXXXX~~

VERIFICATION

I, Shri Jadunandan Rai son of Shri Agani Rai about 50 years, at present working as MPA (now FGM/SK posted to GE Umroi, I on behalf of the Petitioners do hereby verify that the contents of paragraphs 3, 7 & 10 are based on records and the rest are humble submission before the Honourable Court, I have signed this verification on this the 1st day of March 1996 at Gauhati.

Dated, Gauhati _____

1st day of March 1996

Jadunandan Rai

Signature of Humble
Petitioner

(GE (P) Barapani .Part. 37 Dated 12 Sept. 83 Sheet 2 of 8

1	2	3	4	5	6
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Part -II (Contd).

LEAVD (Contd).

2. (Contd).

Leave Station: KANYAKUMARI.

Certified that the concession has not been/will not be availed by the individual for the block year 1982-85"

(Part -II ends with Srl.No. X3)

Part -III.

(SB not centilased with CME Calcutta)

LEAVE :

3. HES-NY/Shri SHAIHIRANG Peon 22-8-83 Gtd. 2 days E/L wef. 22.8.83 to 23.8.93.

24-8.83 Rejoined duty .

06.9.83 Gtd. day E/L on 06.9.83

07.9.83 Rejoined duty .

Balance of leave .

E/L upto 31.12-83 = 40 days.

HFL " 31.8.83n = 20 "

(Part -III ends with Srl. No.

(SB not centralisand with CEEC Calcutta)

~~STRENGTH~~ STRENGTH increase (Posting in) .

4. 228895 Shri JADUNANDAN ROY , Chow. 12.9.83
(Pt)(iii)

Reported arrival on permanent transfer from GE(AF) Shillong on promotion to MPA and place in the position & wef the same date.

He will be on probation for 2 year wef 12.9.83

26.8.83 Date of soniority (without financial effect).

Sd/-
AE , G. Barapani.

Contd....

attested
[Signature]
12/9/83

142

A-2a

19

(GE (P) Barapani P.T.CO.N037 dated 12 Sep'83) Sheet 4 of 8

1	2	3	4	5	6
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Part II (a) (Contd)

STRENGTH INCREASE (Posting in)

6. 228919 Shri Padam Bahadur Chow 12-9-85 R
Limbu (opt) Reported arrived on permanent Transfer Form GE (AF) Shillong on promotion as M.P.A and TOS wof 12-9-83 (EN) (11-9-83 being Sunday).
- 12-9-83 Promoted to MP A and placed in position wof 12-9-83 (EN)
- He will be on probation for 2 years wof 12-9-83
- 26-8-83 Date of seniority (without financial effect).
- Authy : CWE Shillong Letter No. 1301/3935/BI dt 26 Aug'83 and GE (AF) Shillong MO No. 1002/7/1212/ dt. 8 Sep'85
- MP A
- MP A (Prob) 12-9-83 pay fixed at Rs. 260/- PM being minium in the scale of Rs. 260-6-290-8-326-8-366-8-390-10-400/- terms of CGDA New Delhi Letter NO. 2296/MP dt.17/18 Oct'78 .
- Date of next increment 12-9-84 .
- Antedated to 1-9-84 (if otherwise in order)
7. 228/57 Shri Puna Ram Chow 12-9-83
Sharma (qpt) (EN) Reported arrival on permanent transfer from GE (AF) Shillong on promotion as MP A wof 12-9-83 (EN) (11-9-83 being Sunday) .
- 12-9-83 Promoted to MP A and placed in position wof the same date .
- 2 (EN)
- No will be on probation for 2 years wof 12-9-83 .

contd..5/

Sharma
21/9/86

1-----2-----3-----4-----5-----6-----

Page No. Conts.

STRENGTH INCREASE (Posting in)

4. Contd.

MPA 12-9-83
(Prob) (FN)

Authority CW Shillong letter No. 1381/3935/EIA dated 26-8-83 and GE (AF) letter No. 1002/7/1212/EI dt. 8-9-83.

Pay fixed at Rs. 260/- per month being minimum in the scale of Rs. 260/- -6-290-EB-6-326-8-366-EB-8-390-10-400/- in terms of CGDA New Delhi letter No. 2296/ATP dt. 17/18 Oct, 78.

date of next increment : 12-9-84
Ante dated to : 1-9-84 (if other wise in order)

5. 228875 Shri Raj Kumar Ram Chowkidar Reported arrival on permanent 12-9-83(FN) transfer from GE(AF) Shillong on promotion as MPA and TOS w.e.f. 12-9-83 (FN) 11-9-83 being sundary)

12-9-83 Promoted to MPA and placed in position wef the same date.

He will be on probation for 2 years w.ef. 12-9-83.

26-8-83 Date of Seniority (without financial effect)

Ahty- CWE Shillong letter No. 1301/3985 /EIA dated 26-8-83 and GE(AF) Shillong No 1002/7 /1212/EI dt. 8-9-83.

MPA 12-9-83 Pay fixed at Rs. 260/- per month being minimum in the scale of Rs. 260/- -6-290-EB-6-326-8-366-EB-8-390-10-400/- in terms of CGDA New Delhi letter No. 2296/ATP dt. 17/18 Oct, 78.

Date of next increment 12-9-84
antedated to 1-9-84 (if otherwise in order)

Attended

1/2/96

(12)

A-3

(GE(P) Unrol PTO No.41 dated 10 Oct'83 sheet 4 of 7

1	2	3	4	5	6
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Part IV(a) ContdStrength Increase (posting in) Contd

(S not centralised with CEEC Calcutta)

16. 229047 Shri Salamatz Maz 30.9.93 Reported arrival on permanent transfer from GE (AE) Shillong on promotion as MPA and TOS wef the same date.

30.9.83 Promoted to MPA and placed in position wef the same date. He will be in probation for 2 years.

26.8.83 Date of seniority (without financial benefit)

Authy : CWE Shillong No.1301/3935 /ETA dt. 26.8.83 and GE (AE) shillong MO No.1002/7/1221/ EI dt 08.9.83 as amended vide 1002/7/1242/ EI dt. 29.8.83

30.8.83 Pay fix at Rs.260/-PM being minimum the scale of Rs. 260-6-290-EB-6-326-8-366-EB-390-10-400/- in terms of CGDA New Delhi letter No. 2296/ATP dt. 17/18 Oct'78

Date of next increment 30.9.84

Antedated to:-1.9.83 (if otherwise in order.

LEAVE

17.228554 Shri SN Dey Ch/Mech 6.6.83 Granted 15 days FPL wef 6th June'83 to 20 June'83 (Ty)

Attended
[Signature]

contd..

1 2 3 4 5 6

Part IV(a)(Contd)

PROMOTION (Contd)

12. 228579 Shri KALAP DEO Maz 16-8-82 Promoted as MATE wef 16-8-82
RAI (Pt) (FN) and placed in position wef the
same date on Probation for
2 years in the scale of Rs. 210-
4-226-EB-4-250-EB-5-290/-

Date of seniority 11 Aug 82
without financial effect.

13. 228202 Shri MUKTINATH Maz 16-8-82 Promoted as MATE wef 16-8-82
SHARMA (Pt) (FN) and placed in position wef
the same date on Probation for
2 years in the scale of Rs. 210-
4-226-EB-4-250-EB-5-290/-

Date of seniority 11 Aug 82
without financial effect.

(Part IV(a) ends with Srl No 13)
Part IV(b)

(SB not centralised with CEEC Calcutta)

14. 228749 Shri JAGINDAR Maz 16-8-82 Promoted as MATE wef 16-8-82
RAM (Opt) (FN) and placed in position wef the
same date on Probation for
2 years in the scale of Rs. 210-
4-226-EB-4-250-EB-5-290/-

Date of seniority 11 Aug 82.
without financial effect.

✓ 15. 229073 Shri RAMESH Maz 16-8-82 Promoted as MPA wef 16-8-82
PRASAD RAM (Ty) (FN) and placed in position wef
the same date on Probation for
2 years in the scale of Rs. 210-
4-226-EB-4-250-EB-5-290/-

Date of seniority 11 Aug 82
without financial effect.

16. 229059 Shri DC HALDAR Maz 16-8-82 Promoted as MATE wef 16-8-82
(Ty) (FN) and placed in position wef
the same date on Probation for
2 yrs in the scale of Rs. 210-4-
226-EB-4-250-EB-5-290/-

Date of seniority 11 Aug 82.
without financial effect.

Capt

Contd...6/-

Handwritten signature and date:
17/7/86

1	2	3	4	5	6
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STRENGTH INCREASED (POSTING II)
(ON PROMOTIONS)

11. 229047 Shri Salamat Miya (Maz. 30-9-83 (OPT) (FN)) Reported arrival on permanent transfer from GE (AF) Shillong on promotion as Mate (AMP) in the scale of Rs. 120-226-EB -5 290/- P.M. and TOS Wef the same date.

" Certified that the individual is not involved in any disciplinary cases/ C.C. In. and there is nothing else against him to warrant in the holding of the above promotion . " 30-9-83 (FN)

Authy : CWE shillong letter No.
1301- / 3935/ FEA dt. 30-7-83
1301/714/ HIA dt. 30-7-83
and CE (AF) shillong letter
No. 1062/ 7/ 1221/ET dt.
8.9.83 and 1002/7/3238/EL dt.
13-10-87. 26-3-83 (FN)

Promotion to mate (MPA) and placed in position wef. the same date.

Date of seniority without financial effect.

This office PTO No. 41/ 16/83 dt. 10-1-83 is horary cancelled.

12. 2239046 Shri Ram Bahadur Sonar. 12-9-83 (FN) Reported arrival on permanent transfer from GE (AF) shillong on promotions Mate (MPA) scale of Rs. 210-4-226-EB-250-EB-5-290 / P.M. and TOS the same date.

13. 2230477 Shri Jaleswar Rai Mazdoor (QPT) (Now under GE(AF) shillong)

14. 221757 Shri Puna Ram Sharma, Show: 12-9-83 (FN) Promotion to Mate (MPA) a placed in position wef. same date . He will be in probation 2 years wef. 12-9-83 (FN) Date of sinority without simpencial .

15. 223395 Shri Jadumandan Rai Chow (QPT)

Certified that the individual is not involved in any disciplinary cases / C of in. and there is nothing else against him to warrant in the holding of the above promotion.

Authy:- CWE shillong letter Nos 1301 / 3935 / FIA dt. 26-3-83 and 1301 / 714 / dt. 30-7-83 and CE (AF) shillong letter Nos . 1002/ 7/ 1208/ EI dt. 8. 1002/ 7/1220/EI, 1002/7/ 1213EI , 1002/7/1218/ EI , and 1002 /7/1211 / EI dt.8-9-83 and 1002/7/3338/ dt. 13-10-87.

Attested
1/3/96

DETAILS OF CASES IN RESPECT OF MPA (RE-DESIGNATES NOW AS FGM)
WHOSE FIXATION OF PAY ON REVISION IS YET TO BE FINALISED AND
RESULTS OVER PAYMENT THEREOF

Srl No.	MES No, Name	Initial Promotion			Reverted to Mate(SS)			Promoted to MPA(SK)			Pay Fixed under RPR '86 wef 1-1-86 in the Grade of MPA @ Rs. PTO No	Remarks	
		Date	PTO No	Pay fixed @	Date	PTO No	Pay fixed @	Date	PTO No	Pay fixed @			
1.	MES/229047 ✓ Shri Salamat Miya	30-9-83	41/16/83 dt 10-10-83	Rs.260/-	30-9-83	03/11/88 18-1-88	-	30-7-87	03/17/88 18-1-88	-	Rs.1010/-	21/10/87	
2.	MES/228875 ✓ Shri Raj Kumar Ram	12-9-83	37/5/83 dt 12-9-83	Rs.260/-	12-9-83	03/16/88 18-1-88	-	30-7-87	03/22/88 18-1-88	-	Rs.1010/-	39/55/87	
3.	MES/228757 ✓ Shri Puna Ram Sharma	12-9-83	37/7/83 dt 12-9-83	Rs.260/-	12-9-83	03/14/88 18-1-88	-	30-7-87	03/20/88 18-1-88	-	Rs.1010/-	21/31/87	
4.	MES/228895 ✓ Shri Jadunandan Rai	12-9-83	37/4/83 dt 12-9-83	Rs.260/-	12-9-83	03/15/88 18-1-88	-	30-7-87	03/21/88 18-1-88	-	Rs.1010/-	21/4/87	
5.	MES/224318 ✓ Shri D.C. J-ha	20-10-83	45/9/83 dt 07-11-83	Rs.260/-	20-10-83	3/7/88 18-1-88	-	✓ 30-7-87	03/8/88 18-1-88	-	Rs.1010/-	39/54/87	
6.	MES/229073 Shri Ramesh Prasad Ram	16-8-82	22/15/82 dt 23-8-82	Rs.218/-	-	-	-	11-5-83*	-	-	Rs.1030/-	20/5/87	
		-de-	45/11/83 dt 07-11-83	Rs.260/-									

Remarks :- Fixation in the grade of Mate on promotion as well as vide RPR '86 and in the grade of MPA wef 30-10-87 is required to be finalised to overcome to the situation of the later stage.
 *The individual should had been assigned the skilled ~~carpenter~~ grade with the pay scale i.e. Rs.260-400 wef 11-5-83 and not from 16-3-82. Hence, review is required to be carried out at this stage to avoid further complication.

6/88 8202/04/88 dt 25-6-88 = 400.00
 7/88 8202/04/88 dt 23-7-88 = 400.00
 8/88 8202/04/136 dt 25-8-88 = 400.00
 9/88 8202/04/188 dt 22-9-88 = 400.00
 10/88 8202/04/220 dt 25-10-88 = 400.00

Total = 2000.00

Altered
 8/2/86

16 17

D-1 24

The Commander Works Engineer
Shillong

Subject: Appeal

Sir,

Humbly I beg to submit the following facts for favour of your sympathetic consideration and favourable Orders:-

1. That sir, I had been employed as a Chowkidar with effect from 11-11-77 and served as a chowkidar for 11 years.
2. That sir, I got my promotion in the grade of MPA with effect from 28.12.9.83 1983 and placed in the position with effect from the same date vide D.O part 11 order no. 37/4/83 7/12/9/83
3. That sir, consequent upon my promotion as MPA, I have been allotted the task of MPA, which I discharged accordingly as MPA w.e.f 12.9.83 to 29.7.87.
4. That sir, to my utter surprise, I find that I have been reverted from the post of MPA w.e.f 12.9.83 and again promoted to the grade of MPA w.e.f 30.7.87. As a result of which I have lost my seniority, pay and allowances and increments and this reversion has put me in mental agony.
5. That sir, the slightest default or negligence on the part of authority has lead us to grave injustice.
6. That sir, when I was granted promotion by your honour and within a few years of the order of said promotion, I have been again reverted. Does it not require that I be informed at least the ground on which the reversion was made. It appears that the Authority have given a go by to the elementary principle of Natural justice.
7. That sir, consequent upon my demotion Rs.2000/- has been recovered from me. And after the recovery made above, further recovery has been kept in abeyance without rhyme and reasons. Because on reversion recovery is to be effected for 4 years i.e. 12.9.83 to 29.7.87.

HNKf In view of the facts stated above, I request your benigself to be kind enough to look into the matter and withdraw the reversion order and give me the Status of MPA with effect from 12.9.83 with full pay and allowances and other benefits stating interalia the reasons of reversion and the amount recovered be refunded or I shall have to knock the door of Legal justice for redress.

Hoping to receive favourable orders

Yours faithfully,

Jc *Tadunandan Rai*
(Tadunandan Rai)

Copy to :-

1. AAO Shillong for information. He is requested to intimate the justification in recovering the amount from my pay bill with his audit remarks.

Yours faithfully

Jc *Tadunandan Rai*
(Tadunandan Rai)

Recd and fwd
to B2 section vide
om 10/12/1983/121
all 15/12/83

Allesh
1/3/84

To,
The Commander works Engineer,
Shillong .

Sub: Appeal .

Sir,

Humbly I beg to submit the following facts for favour of your sympathetic consideration and favourable orders:-

1. That sir, I had been employed as a chowkider with effect from 15.11.72 and served as a chowkider for 11 yrs years .
2. That sir, I got my promotion in the grade of MPA with effect from 12.9.83 1983 and placed in the position with effect from the same detevide D.O. part 11 order No. 37/7/83 7 12.9.83
3. That sir, consequent upon my promotion as MPA, I have been alooted the task of MPA, which I discharged accordingly as MPA w.e.f. 12.9.83 to 29.7.82.
4. That Sir, to my utter surprise, I find that I have been reverted from the post of MPA w.e.f. 12.9.83 and again of promoted to the grade of MPA w.e.f. 30.7.82 as a result of which I have lost my seniority , pay and allowances and increments and this reversion has put me in mental agony .
5. That sir, slightent default or negligence on the part of authority has lead us to grave injustice .
6. That sir, when I was granted promotion by your honour and within a few years of the order of said promotion, I , have been again reverted. Does it not require that I be informed at least the ground on which the reversion was made. It appears that the authority have given a go by me to the elementary principle of Natural justice.
7. That sir, consequent upon my demotion Rs. 200/- has been recovered from me. And after the recovery made above, further recovery has been kept in aboyance without ryme and reasons. Because on reversion recovery is to be effect for 4 years, i.e. 12-9-83 to 29-7-87 .

In view of the facts stated above, I request your being self to be kind enough to look into the matter and withdraw the reversion order and give to the status of MPA with effect from 12-9-83 with full pay and allowances and other benifits stating interlaia the reasons of reversion and the amount recovered be refunded or I shall have to knock the door of legl justice for redress.

Hoping to receive favourable orders.

Yours faithfully ,

Sd/-

copy to : 1. AAO Shillong for information . He is requested to intimate the justification in recovering the amount from my pay bill with his audit remarks .

Yours faithfully ,

Sd/-

(Purno Ram Sharma)

Alister

48 19

D-3 26

The Commander Works Engineer
Shillong

Subject: Appeal

Sir,

Humbly I beg to submit the following facts for favour of your sympathetic consideration and favourable Orders:-

1. That sir, I had been employed as a Chowkidar with effect from 4-5-73 and served as a chowkidar for 11 years.
2. That sir, I got my promotion in the grade of MPA with effect from 28.12.9.83 1983 and placed in the position with effect from the same date vide D.O part II order no. 37/5783 d. 12.9.83
3. That sir, consequent upon my promotion as MPA, I have been allotted the task of MPA, which I discharged accordingly as MPA w.e.f 12.9.83 to 29.7.87.
4. That sir, to my utter surprise, I find that I have been reverted from the post of MPA w.e.f 12.9.83 and again promoted to the grade of MPA w.e.f 30.7.87. As a result of which I have lost my seniority, pay and allowances and increments and this reversion has put me in mental agony.
5. That sir, the slightest default or negligence on the part of authority has lead us to grave injustice.
6. That sir, when I was granted promotion by your honour and within a few years of the order of said promotion, I have been again reverted. Does it not require that I be informed at least the ground on which the reversion was made. It appears that the Authority have given a go by to the elementary principle of Natural justice.
7. That sir, consequent upon my demotion Rs. 200/- has been recovered from me. And after the recovery made above, further recovery has been kept in abeyance without rhyme and reasons. Because on reversion recovery is to be effected for 4 years i.e. 12.9.83 to 29.7.87.

XXXX In view of the facts stated above, I request your benign self to be kind enough to look into the matter and withdraw the reversion order and give me the Status of MPA with effect from 12.9.83 with full pay and allowances and other benefits stating inter alia the reasons of reversion and the amount recovered be refunded or I shall have to knock the door of Legal justice for redress.

Hoping to receive favourable orders

Yours faithfully,

(Raj Kumar Ram)
MES No/ 228857

Copy to :-

1. AAO Shillong for information. He is requested to intimate the justification in recovering the amount from my pay bill with his audit remarks

Yours faithfully

(MES 228857 Raj Kr. Ram)
FGM(SK)
C/O AG B&F M Ummer

Recd and fwd to
F21 Section vide am
letter no 102/B01/1985/F21
dt 15 Apr 87

Attested
1/2/96

The Commander Works Engineer,
Shillong.

Subject- Appeal

Sir,

Humbly, I beg to submit the following facts for favour of your sympathetic consideration and favourable orders :

1. That sir, I had been employed as a Mazdoor with effect from 14-8-73 and served as Mazdoor for 29-9-83 years.
2. That sir, I got my promotion in the GRADE of MPA with effect from 30-9-83 and placed in the position with effect from the same date vide D.O Part 11 Order No. 41/16/83 dt. ~~10-10-83~~ 10-10-83.
3. That Sir, consequent upon my promotion as MPA, I have been allotted the task of MPA which I discharged accordingly as MPA w.e.f. 30-9-83 to 29-7-87.
4. That Sir, to my utter surprise, I find that I have been reverted from the post of MPA with effect from 30-9-83 and again promoted to the grade of MPA with effect from 30-7-87. As a result of which I have lost my seniority. pay and allowances and increments and this reversion has put me in mental agony.
5. That Sir, the slightest default or negligence on the part of the Authority has lead us to great injustice.
6. That Sir, when I was granted promotion by your honour, and within a few a years of the order of promotion, I have been again reverted. Does it not require that I be informed atleast the ground on which the reversion was made. It appears that the Authority have given a go by to the principle of Natural Justice.
7. That Sir, consequent upon my demotion Rs.2000/- has been recovered from me. And after the recovery made above, further recovery has been kept in abeyance without ryme and reasons. Because on reversion recovery is to be made for 4 years i.e. 30-9-83 to 29-7-87.

In view of the facts stated above, I request your Benign self to be kind enough to look into the matter and withdraw the reversion order and give me the status of MPA with effect from 30-9-83 with full pay and allowance s and other benefifits stating interalia the reason of reversion and the amount recovered be refunded or I shall have to knock the door of legal justice for redress.

Hoping to receive favourable orders.

Shillong-
Dated 15-4-1995.

Yours faithfully,

Copy to - 1. AAO Shillong for information,
He is requested to intimate the justifi-
cation in recovering the amount from my
pay bill with his audit remarks.

sd/-

Yours faithfully,

sd/-

Attested
[Signature]
17/3/96

(MES/229047 ,
Shri Salamat Miya)

To, The C.W.E., Shillong

Subject :- REPRESENTATION IN RESPECT OF REVERTION FROM PROMOTION

Respected Sir,

1. With most humbly I would like to lay down following few lines for your kind consideration and favourable orders please:-

a) I was appointed as Mazdoor wef 05 Jan'1978.

b) I was appeared in the Trade Test for MPA held at CWE, Shillong in 25.2.81 and passed vide CWE, Shillong letter No. 1455/1732/1140/E1 dated 28.2.81 and GE (P) Umroi PTO No. 21/16/81 dated 25.5.81.

c) I was promoted as MPA on 16.8.82 in the scale of 210-290 with seniority from 11.8.82 vide CWE, Shillong letter No. 130/3415/EIA dated 11 Aug'82 and GE Umroi PTO No. 32/15/82 dated 23 Aug'82 and my pay was fixed at Rs. 218/- P.M. wef 16.8.82 vide GE(P) Umroi PTO No. 02/20/83 dated 10 Jan'83. Again my pay was fixed at Rs. 260/- P.M. in the scale of Rs. 260-400 wef 16.8.82 * vide GE(P) Umroi PTO No. 45/11/83 dated 07 Mar'83 and I also completed probationary period in the grade of MPA vide GE(P) Umroi PTO No. 38/34/84 dated 17 Sep'84.

d) Again my pay was fixed at Rs. 1030/- P.M. in the revised pay scale of Rs. 950-1500 vide GE (P) Umroi PTO No. 46/92/86 dated 19 Nov'86.

e) I was appeared in the Trade Test for SBA at CWE, Shillong held on 08 & 09 Jun'87 and passed vide CWE, Shillong letter No. 1455/1814/EIB dated 07 Jul'87 and GE (P) Umroi PTO No. 34/18/87 dated 24 Aug'87 and promoted from MPA to SBA wef 21 Apr'88 with seniority wef 29 Oct'87 vide CWE, Shillong letter No. 1301/4790/EIA dated 29 Oct'87 and 1301/4872/EIA dated 08 Apr'88 and GE(P) Umroi PTO No. 17/19/88 dated 25 Apr'88 and re-designated as 'Electrician' wef 24.6.88 vide PTO No. 41/49/88 dated 10 Oct'88.

f) Subsequently SBA promotion was cancelled vide GE (P) Umroi PTO No. 06/33/89 dated 06 Feb'89 stating that there is no line of promotion from MPA to SBA but Shri Pradeep Kumar Dey who was also promoted MPA to SBA alongwith me but he is still remaining in the SBA grade which seems that only I was reverted.

2. I am drawing pay of MPA since 16.8.82 to till date now. It has come to know that I am being reverted to Mate wef 16.8.82. Hence I request your honour to give me seniority in MPA wef 16.8.82 with full pay as I am performing duty of MPA till to date to avoid onwards financial hardship in future. If ~~three~~ three grade structure was effective from 11 May'83 then I am not involved in reversion.

P.T.O.

Attested
27/3/96

* as three grade structure was effective from 11 May'83.

DPC
held

29

4. You are requested to verify the facts of SBA and if it is otherwise in order I may please be allowed to continue in the Grade of SBA wef 21 Apr'88 as Shri Pradeep Kumar Dey is still remaining in the same grade and appearing in the Trade Test for Elect (HS-II). You are also requested to allow me in the grade of MPA to continue seniority with effect from 16.8.82 with full Pay and Allowances.

5. I and my family will ever remain grateful to you sir.

Thanking you sir,

Yours faithfully,

Dated: _____ Oct '95

Station: Umroi Cantt.

(RAMESH PRASAD RAM)

MES/229073

FGM (SK)

C/O AGE E/M UMROI

12/10/95

For Revision

12/10/95

Part IV(a) contd.

16. MES/228757 Shri
Puna Ram Sharma

MPA
(Now FGM)
SK

12 Sep
83

Pay fixed at Rs. 230/- on
promotion to Mate/MPA(SS)
in the scale of Rs. 210-4-
226-EB-4-250-EB-5-290/-
(Ante-dated to 1-9-83)
DNI- 1-9-84

Mate (MPA)

Pay fixation on reversion
to MATE (MPA)

01 Jan REF: PTO No 21/31/87 dated
25-5-87 under Col. 5&6
superseeded

01 Jan 86 Pay fixed at Rs. 905/- in the
grade of Mate/MPA(SS)
in the scale of Rs. 800-
15-1010-EB-20-1150/-
DNI - 12-9-86

30 Jul 87 Pay fixed at Rs. 950/- on
promotion to ~~SS~~ MPA
(SK) in the scale of
Rs. 950-20-1150-EB-25-1500/-
(Ante-dated to 1-7-87)
DNI- 1-7-83

Authy: -LAO(Army) Shillong letter No.
LAO(SHG)/155/G-VI dated 2.5.95

17. MES/228395 Shri
Jadunandan Rai

MPA
(Now FGM)
SK

12 Sep
83

Pay fixed at Rs. 230/- on
promotion to Mate/MPA(SS)
in the scale of Rs. 210-4-
226-EB-4-250-EB-5-290/-
(Ante-dated to 1-9-83)
DNI-1-9-84

Mate (MPA)

Pay fixation on reversion
to MATE (MPA)

REF: PTO No 21/4/87 dated
25-5-87 under Col. 5&6
superseeded

01 Jan 86 Pay fixed at Rs. 905/- in
the grade of Mate/MPA
(SS) in the scale of
Rs. 800-15-1010-EB-20-1150/
(Ante-dated to 1-9-86)
DNI-12-9-86

30 Jul 87 Pay fixed at Rs. 950/- on
promotion to MPA (SK)
in the scale of Rs. 950/-
20-1150-EB-25-1500/-
DNI - 30-7-88
Ante-dated to 1-7-83

Authy: -LAO(Army) Shillong letter No
LAO(SHG)/155/G-VI dt 2-5-95

DISTRIBUTION

Allesed
9/12/91

G. Krishnamoorthy
(G Krishnamoorthy)
AE
AGE 'T'
For Garrison Engineer

Part IV(a) contd.

14. MES/229073 Shri
Ramesh Prasad Ram
(SB Centralised)

MPA
(now FGM)
SK

REF: PTO No. 22/15/82
dated 23-08-82 under
Col. 5 & 6 as under:-

FOR 16-08-82 Promoted as MPA wef
(FN) 16-8-82 and placed in
position wef the same
date on probation for
2 years in the scale
of Rs. 210-4-226-EB-4-
250-EB-5-290/-

PAY fixation on
revision to MATE (MPA)

READ 16-08-82 Promoted as Mate(MPA)
(FN) wef 16-08-82 and placed
in position wef the same
date in the scale of
Rs. 210-4-226-EB-4-250-EB-
5-290/-

FIXATION OF PAY ON PROMOTION/
REVISION

15. MES/229047 Shri
Salamat Miya

Mate MPA
(now FGM)
SK

30 Sep
83

Pay fixed at Rs. 230/-
on promotion to Mate/MPA
(SS) in the scale of
Rs. 210-4-226-EB-4-250-EB-
5-290/-

PAY fixation on revision
to Mate (MPA)

DNI - 30.9.84 (Ante-dated
to 1-9-84)

REF: PTO NO. 21/30/87
Dt 25-5-87 under Col
5 & 6 Superseceded
01 Jan 86 Pay fixed at Rs. 905/-
in the grade of Mate/
MPA(SS) in the scale of
Rs. 800-15-1010-EB-20-11
DNI- 30-09-86

30 Jul 87 Pay fixed at Rs. 950/-
on promotion to MPA(SK)
in the scale of Rs. 950-
20-1150-EB-25-1500/-
DNI- 30-7-88
(Ante-dated to 1-7-83)

Authy:- LAO (Army) Shillong letter No
LAO(SHG)/155/4-VI dt 2.5.95

AE

Conta.. P/6

23
F1
Tele : 232321/723

Headquarters Eastern Command
Engineer Sakha/Engineers Branch
Fort William, Calcutta - 700021.

No. 131950/55/237/Engrs/EIR(C)

10 Nov '86

Chief Engineer
Shillong Zone
Calcutta Zone
Siliguri Zone
Civil Engg Cell, PFB Calcutta
OC ESD Kankinara
SDE EC Patna

ATTNMENT OF INDUSTRIAL WORKERS OF MPA IN THE
PAY SCALES RECOMMENDED BY THE THIRD PAY
COMMISSION OF MPA TO SKILLED PAY SCALES

1. In accordance with Govt of India, Min of Def letter No. 1(2)/80/D/(ECC)/IC dt 11.5.83, the post of MPA has been assigned the scale of pay of Rs. 260-400 in the category of skilled worker. It followed that the feeder category to the post of category of MPA is to be semi-skilled in the scale of pay of Rs. 210-290. As per the then recruitment rules, the Mazdoors/Chowkidars and Safaiwalas, an unskilled category, were eligible for promotion to the post of MPA and some of the formation in our Command had promoted Mazdoors/Chowkidars and safaiwala to the post of MPA after issue of Govt letter dt 11 May 83 without proper identification of feeder category or seeking clarification due to changed position. However, the E-in-C's Br, identified the feeder category to MPA as Mate, vide their letter No. 90279/89/EIC dt 20 Dec '83 which was further clarified in their letters No. 90270/89/EIC dt 11 July 84 and 13 Nov '84. But some of the formations in our Command probably not taking the instructions/clarifications issued by E-in-C's Br./this Hqrs on the subject in its right perspective continued to promote Mazdoors/Chowkidars and safaiwalas to the post of MPA.
2. The matter having been brought to our notice whether the Mazdoors/Chowkidars and Safaiwalas promoted to the post of MPA before the issue of E-in-C's Br instructions dt 11 July '84 should also be brought down to the post of Mate (MPA) in the pay scale of Rs. 210-290, was further taken up with E-in-C Br. It has now been clarified by E-in-C Br letter (copy enclosed) that the promotions of Mazdoor/Chowkidar and safaiwala to the post of MPA in the scale of pay of Rs. 260-400 after the issue of Govt letter dt 11 May 83 is highly irregular and they should be brought down to the scale of Mate (MPA) in the pay scale of Rs. 210-290.
3. In view of the position explained, the Mazdoor/Chowkidar/Safaiwala who have been promoted to the post of MPA in the scale of pay Rs. 260-400 after the issue of Min of Defence letter dt 11 May '83, should be promoted to the post of Mate (MPA) in the pay scale of Rs. 210-290. The excess payment made to them on account of wrong promotion should be recovered.
4. The completion report be given to this Hqrs. by 10th Dec '86 positively.
Please ack receipt.

Copy to :-
All CSWE
All GES/AGES (Indep), Engr Park.

3d/-xx xx
(N S Ghillon)
S82(R)
for Chief Engineer
P.T.O.

Alles
23/96

Tele : 3019107

REGISTERED

SENA MUKHEYALAYA
PRANEEA ABHIYANTA CHAI
ARMY HEADQUARTERS
ENGINEER-IN-CHIEF'S BRANCH
HQ PO NEW DELHI -110011

90270/38/EIC(3)

22 OCT 1986

Chief Engineer
Hq Eastern Command
Calcutta-21.

FITMENT OF INDUSTRIAL WORKERS OF MES IN THE
PAY SCALES RECOMMENDED BY THE THIRD PAY COMMISSION
OF MPA TO SKILLED PAY SCALES

1. Reference your letter No. 131350/55/212/Engrs/EIC(C)
dated 13 Sep'86.

2. The Category of MPA was semi-skilled trade and hence placed in the pay scale of Rs. 210-290 on the recommendation of the Third Pay Commission w.e.f. 01 June 73. As a result of fitment industrial workers of MES in the pay scales recommended by the ECC issued vide Ministry of Defence letter No. 1(2)/80/D(ECC/IC) dated 16 Oct'81 this category was fitted in the pay scale of Rs. 210-290. However, in the subsequent orders issued by Ministry of Defence vide letter No. 1(2)/80/D(ECC/IC) dated 11 May 83, the post of MPA was fitted in the pay scale of Rs. 260-400 for which the feeder categories were to be identified from the pay scale of Rs. 210-290. Therefore, Mazdoors/Chowkidars and Safaiwalas were to be promoted in the pay scale of Rs. 210-290 upto 11 May 83 the Government issued order for upgrading the post of MPA to Rs. 260-400. After issue of the Govt Orders dated 11 May 83 the feeder category to the post of MPA in the pay scale of Rs. 210-290 was identified as Mate (MPA). Therefore the promotion orders of Mazdoors/Chowkidars/Safaiwala to the pay scale of Rs. 260-400 are considered highly irregular.

3. In view of the position explained above, the pay fixation cases of such of the Mazdoors/Chowkidars/Safaiwalas who have been promoted to the post of MPA w.e.f. 11-5-83 be fitted in the pay scale of Rs. 210-290. Suitable instructions be issued to the concerned units to amend the promotion orders immediately and place them in semi-skilled pay scale of Rs. 210-290 as Mate (MPA).

Sd/-XXXX
(KS SETHI)
COL
DIP PERS (MES)
for Engineer-in-Chief

11-5-83
260-400
MPA
(SS)
210-290

20-12-83
Mate (MPA)
Mate (MPA)

MPA
(SS)
210-290

Mate (MPA)
210-290

260-400 (SK)

24
File : 3019506

15/11/85
RECEIVED D/OF IMMEDIATE
Coord aur Marmik Nideshan/EIC

F2 34
Pranukh Engineer Shakha
Thal Sena Mukhyalaya
Coord & Pers Directorate/EIC
Engineer-in-Chief's Branch
Army Headquarters
DHQ PO New Delhi-110011

90270/89/EIC

17 Jun '85

List 'A' & 'C'

FILLMENT OF INDUSTRIAL WORKERS OF MES IN PAY
SCALES RECOMMENDED BY THE THIRD PAY COMMISSION
UPGRADING OF MPA TO SKILLED PAY SCALE

1. Reference our letter No. 90270/89/EIC dated 13 Nov 84.
2. Various worker's Unions have represented to this HQ that Mazdoors, Safaiwala and Chowkidars who had already passed trade test for the post of MPA prior to issue of our letter cited above, are being asked to appear in the trade test for Mate. It is again clarified that such of the Mazdoor, Safaiwalas and Chowkidars who had qualified in trade test for MPA and can not be promoted to this post now due to upgradation to skilled pay scale, will be deemed to have passed trade test for MPA Mate (MPA) and will be promoted to the post of Mate (MPA) in the semi-skilled pay scale of Rs. 210-290. It is stressed that such individuals will not be compelled to appear again for trade test for Mate (MPA). The vacancies of Mate in the semi-skilled grade of Rs. 210-290 shall be found out of the existing authorisation of MPA and no separate sanction in the semi-skilled grade need be accorded.
3. On completion of 3 years service in the semi-skilled grade of Rs. 210-290 of Mate (MPA), these individuals will become eligible for promotion to skilled grade of MPA in the pay scale of Rs. 260-400 subject to passing of trade test and selection by DFC.
4. In view of the above, it is requested that suitable instructions be issued to CEs Zone/CSME to fill up the existing vacancies of MPA out of the qualified Mazdoor/Safaiwalas/Chowkidars without further delay. A confirmation in this regards be forwarded to this HQs by 30 Sep 85 positively.
5. For CE Southern Command only :- This disposes off your letter No. 133401/3/EIB (S) dt 18 May 85.

SA/-x-x-x
(RP Bawa)
SE
For Engineer-in-Chief

Copy to:-

All Zonal CEs.

Attested
[Signature]

25
CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 796 of 1987

Present : Hon'ble Justice Mrs. Protibha Bonnerjee, Vice-Chairman
Hon'ble Mr. P. Srinivasan, Administrative Member

SAKTIHADA BHATTACHARJEE & ORS.

-vs-

UNION OF INDIA & OTHERS

For applicants : Mr. H.L. Pal, Counsel
Mrs. S. Banerjee, Counsel

For respondents : Mr. D.N. Das, Sr. Standing Counsel
Ms. Uma Bhattacharya, Addl. SC

Heard on : 24.4.1989:

Judgement on : 24.4.1989

JUDGEMENT DICTATED IN COURT

Per P. Srinivasan, Member

All the applicants before us - ten of them - were initially recruited as Chowkidars and Mazdoors under the Garrison Engineer, Central and Fort William in the Military Engineering Service (MES), in the grade of Rs. 196-232/- on various dates between the years 1960 to 1978. In 1984 on different dates, they were appointed as Motor Pump Attendants (M.P.A.) which carried a pay scale of Rs. 260-400/- at the time. Their pay was duly fixed at the minimum of ^{the} scale on such promotion and they continued to draw pay in that scale earning increments from time to time. However, by two letters dated 4.7.87 and 12.8.87, the Assistant Garrison Engineer conveyed the decision of the authorities to bring down the scale of the applicants and a few others from Rs. 260-400/- to Rs. 210-290/- retrospectively from the dates they were appointed as M.P.A.'s and to redesignate them as M.P.A. (late) from that date. As a result,

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amounts paid to them as pay and allowances in the past in excess of the pay scale of Rs.210-290/- were sought to be recovered from them. The applicants are aggrieved with the aforesaid two letters dt.4.7.87 & 13.6.87.

2. Shri N.L.Pal assisted by Ms.S.Ranerjee for the applicants and Shri D.N.Das with Ms.Uma Bhattacharya for the respondents have been heard.

3. In order to appreciate the nature of the controversy between the parties, it is necessary to set out the facts giving rise to it. It is common ground that the posts to which the applicants were initially recruited were categorised as unskilled and carried a pay scale of Rs.196-232/-. The post of LPA was categorised as semi-skilled and carried a pay scale of Rs.210-290/- with effect from 1.6.1973 after the report of the Third Pay Commission. However, it appears that the Pay Commission suggested the appointment of an Expert Classification Committee (ECC) to classify posts in the Defence Department into different categories and to recommend the pay scale to be attached to each such category. After considering the recommendations of the ECC, Government took a decision conveyed in Ministry of Defence letter dated 16.10.1981, Annexure A to the application, to classify industrial workers in LES into five categories each with a separate scale of pay. One such category - with which we are concerned here - was the skilled category for which the scale of pay prescribed was Rs.260-400/-. More specifically the scale of pay of LPA which was hitherto Rs.210-290/-, was revised as per Annexure I to the letter to Rs.260-400/- thereby treating it as falling under the skilled category instead of under the semi-skilled category. Para 2 of the letter narrated "As a result of the fitments, a number of jobs carrying the semi-skilled scales will stand upgraded to the skilled grade of Rs.260-400/- creating a vacuum in the grade structure at the semi-skilled level. In such cases viable feeder grades should

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be identified at the semiskilled level in the same or allied trades or the posts of these jobs should be apportioned between the scales of Rs.260-400/- and Rs.210-290/-. However, the fitment of the existing staff in the higher grade of Rs.260-400/- should not be held till the completion of the exercise..... The higher scales laid down in these cases will be given to the workers after appointment" (obviously a mistake for ^{appointment} ~~appointment~~), "of posts in these jobs in these two scales." The respondents say in their reply that the revised scale was made applicable only to 10% of the posts of MPA, the rest continuing ⁱⁿ the former scale of Rs.210-290/-. These orders were to be effective from 10.10.1931.

Superseding the letter referred to above, the Ministry of Defence issued another letter to the Chief of Army Staff on the same subject on 11.5.83 again "after careful consideration of the recommendations of the Expert Classification Committee". The categories of posts and the corresponding pay scales were the same as in the letter of 16.10.1931. The post of MPA was again placed in the pay scale of Rs.260-400/- instead of the earlier scale of Rs.210-290/-, with the difference that this time all posts of MPA were brought over to the revised scale. "In respect of jobs which carried semiskilled grade before the present fitment but have been allotted skilled grade of Rs.260-400/- on the basis of the evaluation", the letter went on to say, "feeder grades/trades in the semi-skilled grade of Rs.210-290/- may be identified by you, if this has not already been done under the present Recruitment Rules". Where such identification was not feasible direct recruitment to the jobs at the skilled level could be resorted to. "The qualifications for these jobs should be analogous to the qualifications laid down for skilled jobs"..

5. The applicants say that it was only after the issue of the above-mentioned letter on 11.5.1933 that they were subjected

Attached
D.D.

28
to the trade test for the post of MPA held between 25th May and 27th May, 1933 and on having been declared passed, promoted to that post between February and June, 1934. The respondents in their reply say that the applicants passed the Trade Test of MPA earlier when this was a semi-skilled post and so they could be promoted only to a semiskilled post and that therefore, their promotion to the skilled grade in 1934 was irregularly made. When this mistake was discovered, the office of the Engineer-in-Chief, Army Headquarters (ENC) issued a letter dated 22.10.36 to the Eastern Command, Calcutta pointing out that on revision of the scale of pay of the post of MPA to Rs.260-400/- treating it as a skilled post in accordance with the earlier letter of 11.5.1933, the feeder category for promotion to the post of MPA was identified as Mate(MPA) in the scale of Rs.210-290/-. Therefore, Mazdoors, Chowkidars and Safaiwallas could after 11.5.33, be promoted only to the post of Mate(MPA) in the scale of Rs.210-290/- and not to the scale of Rs.260-400/-."In view of the position explained above", the ENC's office wrote, "the pay fixation cases of such of the Mazdoors/Chowkidars and Safaiwallas who have been promoted to the post of MPA w.e.f. 11.5.33 be fitted in the pay scale of Rs.210-290". Following upon this letter, the Chief Engineer, Headquarters Eastern Command wrote in 10.11.1936 to all the concerned officers in that Command to bring down Mazdoors/Chowkidars and Safaiwallas promoted as MPAs in the skilled grade of Rs.260-400/- after 11.5.33 to the scale of Rs.210-290/- and redesignate them as Mate(MPA) retrospectively from the date of such promotion: excess payments made to them on such "wrong" promotion were to be recovered from them. It was as a result of this decision that the two letters dated 4.7.1937 and 12.8.1937 impugned in this application came to be issued.

6. Mr. N.L. Pal, Counsel leading M/s. S. Banerjee for the applicants submits that the applicants were rightly promoted to the grade of Rs.260-400/- in 1933 and having worked in that grade for

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39

nearly three years, it cannot lie in the mouth of the respondents to say that their promotion was a mistake and that they should be refitted in the lower scale of Rs.210-290/-. It was a promotion given to them after due consideration and after they took a trade test for the purpose and as such it was not right to say that it was a mistake.

7. Mr.D.N.Das, the ld. counsel for the respondents leading Ms.Uma Bhattacharya, Addl.Standing Counsel submits that due to the mistake of the lower officials, the applicants had been fitted in the grade of Rs.260-400/- in 1983 and the Government had a right to rectify what was an obvious mistake. Mr.Das, therefore, urges that this application be dismissed as devoid of merit.

8. We have considered the matter carefully. It is common ground that the applicants were promoted in 1984 from their former posts of Mazdoors/Chowkidars to the post of MPA in the scale of Rs.260-400/- after passing a Trade Test - the dispute between the parties is only as to whether it was a test for a semiskilled post or for a skilled post. The categorisation of all posts of MPAs as skilled posts was announced in the Defence Ministry's letter dated 11.5.1983 and so when the applicants were appointed to that post, it was in the skilled category. The respondents say that after the Defence Ministry's letter of 11.5.1983, the LNC, Army Headquarters had identified the post of Mate(MPA) in the scale of Rs.210-290/- as a Feeder post for promotion as MPA in their letter dated 20.12.1983 and had issued further clarifications on 11.7.1984 and 13.11.1984. In spite of this, the applicants continued to work as MPA till 1987. There is nothing to show that they were not performing their duties adequately or that they did not fulfil the qualifications prescribed for that post after it was placed in the skilled category by the letter of 11.5.1983. In these circumstances, to say that their promotion to the post of MPA in the skilled grade in 1984 and their continuance in that

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grade till 1987 - long after the creation of the feeder grade of Mate(MPA) - was a mistake is too far fetched. Even after the socalled "mistake" was pointed out by the office of the ENC Army Headquarters as late as on 22.10.1986 and reiterated by Chief Engineer, Eastern Command on 10.11.1986, the applicants continued to work as MPA's till July, 1987 till the first of the impugned letters was issued. Even if the assertion of the respondents that the applicants had not passed the Trade test for the skilled category is accepted, their continuance in that grade for three years through all the vicissitudes of restructuring of cadres narrated above indicates that the authorities waived this requirement in the case of the applicants. We are, therefore, not inclined to accept the contention of the respondents that they were merely rectifying a mistake.

9. In view of the above, we quash the two impugned letters dated 12.3.1987 and 4.7.1987 (Annexure 'E' to the application). The result will be that the applicants will continue to the same scale, i.e. Rs. 260-400/- without break till 31.12.1985 and will be entitled to the corresponding revised scale after the recommendations of the Fourth Pay Commission.

10. The application is disposed of with the above terms leaving the parties to bear their own costs.

(P. RATHEE BANERJEE)
Vice-Chairman
24.4.89

(P. SRINIVASAN)
Administrative Member
24.4.89

(a) S. N. of the Appia	1265
(b) Name of the applicant	Sara Banerjee
(c) Dt. of presentation of application for copy	2/4/89
(d) No. of pages	6
(e) Copying fee charged	urgent or ordinary
(f) Dt. of preparation of copy	3/5/89
(g) Dt. of delivery of the copy to the applicant	6/5/89

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 (COURT OFFICER)
 Central Administrative Tribunal
 Calcutta Bench