

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

O.A.No.49/2017 with MA No.39/2017

Ahmedabad, this the 22nd day of February, 2018

Coram :

Hon'ble Dr. K.B.Suresh, Member (J)

Hon'ble Shri K.N.Shrivastava, Member (A)

Amrut N.Desai

Son of Naranbhai Desai

Aged : 52 years

Working as Staff Car Driver, Grade-III

Residing at : 10, Rabari Colony,

Opp. Fire Station, Odhav Road,

Ahmedabad..... Applicant

(Advocate : Shri Joy Mathew)

VERSUS

1. Union of India
Notice to be served through
Ministry of Finance
Department of Revenue
North Block,
New Delhi 110. 001.
2. Central Board of Direct Taxes
Notice through its Chairman
ICADR Building, Plot No.6,
Vasantkunj Institutional Area, Phase-II
New Delhi 110 070.
3. Principal Chief Commissioner of Income Tax(Gujart)
Room No. 205, 2nd Floor, Aayakar Bhavan,
Ashram Road,
Ahmedabad 380 009. Respondents
(By Advocate : Ms. Mouna Bhatt)

ORDER (ORAL)

Per : Hon'ble Dr. K.B. Suresh, Member (J)

Heard. The Government of India in their wisdom had passed certain orders on Promotional Scheme for Staff Car Driver with graded structure of pay, following our order in OA No.2957/1991 in the case of *Staff Car Drivers' Association v. Union of India* passed by Principal Bench, New Delhi, we quote herewith the said order in full as under :

(1) Promotional Scheme for Staff Car Drivers with graded structure of pay:

The Principal Bench of the Central Administrative Tribunal, New Delhi in their judgment in the case of Staff Car Drivers' Association and other v. Union of India (OA No. 2957 of 1991) were pleased to pass orders directing the Government "to devise a promotional scheme for Staff Car Drivers with the granted structure (Rs.950-1500, Rs.1200-1800 and Rs. 3120-2040) similar to one provided by the Ministry of Railways".

2. Accordingly, the matter has been examined in consultation with the Ministry of Law, Ministry of Finance and the Ministry of Railways and the following orders are issued in this regard –

SCHEME

2.1 .1 The nomenclature of the posts in the various scales will be as under-

Sl.No.	Grade	Pay Scales	Percentage
1	Ordinary Grade	3050-4590	30
2	Grade-II	4000-6000	30
3	Grade-I	4500-7000	35
4	Special Grade	5000-8000	5

2.1.2. If any fresh vacancies are created as additions to the existing strength of Staff Car Drivers, they will be created only in the scale of Rs. 3050-4590.

2.2 Where the cadre is too small for the purpose of creation of higher grades, the possibility of combining of different cadres and operating it on a nodal basis may be considered by the concerned Ministry/ Departments. In such cases, movement of personnel may not be required and the seniormost driver(s) in the combined seniority/ eligibility list who are assessed fit for promotion may be promoted in situ.

2.3 The minimum eligibility criteria for appointment to the posts in the above scales will be as under –

Sl.No.	Grade	Eligibility period
A	Ordinary Grade	Basic Grade
B	Staff Car Driver Grade-II	9 years of regular service in Ordinary grade
C	Staff Car Driver Grade-I	6 years of regular service in Grade-II or a combined service of 15 years in Grade-II and in Ordinary Grade put together.
D	Staff Car Driver Special Grade	3 years of regular service in Grade-1

2.4 The method of appointments to the posts in Grade II and Grade-I of Staff Car Driver will be by promotion on Non-Selection (Seniority-cum-fitness) basis and will be further subject to passing of a Trade Test of appropriate standard, contained in the Annexure –I to this O.M.

2.5 For the purpose of conducting Trade Test as required at these levels, a scheme indicating the syllabus has been enclosed as Annexure –I to this OM.

2.6 All the above appointments will be subject to the application of reservation orders as applicable to these grades.

2.7 As the powers to frame Recruitment Rules for Group ‘C’ and ‘D’ posts have already been delegated to Ministries/ Departments, they may frame than official lunch/dinner of the type mentioned in Note (1) (i) below Rule 8] should be treated as non duty journeys and charged for in accordance with Rule 21.

3. The respondents claim that there is no vacancy to be allotted to accommodate the applicant. In this case, there is no question of any vacancy as it is only an *in-situ* promotion, but then if promotion is on Non- Selection (Seniority-cum-fitness) basis, it will be further subject to passing of a Trade Test and if the applicant satisfied it, the benefits will be made available to the applicant within two months from the date of receipt of a copy of this order.

4. Learned counsel for the respondents seeks a clarification as to whether this order is based on service or vacancy. Promotion to be given is only an *in-situ* promotion. Only element to be considered is that concerned person must be able to go over the qualifying bar of a Trade Test and if he satisfied it and had put up qualifying service as per Government order, he will be entitled for promotion. The OA is therefore allowed and the respondents are directed to issue promotion graded on the basis of Promotional Scheme for Staff Car Driver to the applicant. MA No.39/2017 stands disposed of. No costs.

(K.N.Shrivastava)
Member (A)

(K.B.Suresh)
Member(J)

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