

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

OA 1700/2013

Reserved on: 16.08.2016  
Pronounced on: 22.08.2016

**Hon'ble Mr. P.K. Basu, Member (A)  
Hon'ble Mr. Raj Vir Sharma, Member (J)**

Rajender Singh  
S/o Shri B.S. Negi  
Working as HS-I, Optical Section  
Ordnance Factory, Raipur  
Dehradun (UK) .... Applicant

(Through Shri Yogesh Sharma, Advocate)

Versus

1. Union of India through the Secretary,  
Govt. of India, Ministry of Defence,  
South Block, New Delhi
2. The Chairman  
Ordnance Factory Board  
Govt. of India, Ministry of Defence  
Ayudh Bhawan, 10A, S.K. Base Road,  
Kolkata – 700001
3. The General Manager  
Ordnance Factory  
Ministry of Defence, Govt. of India  
Raipur, Dehradun ... Respondents

(Through Shri Manjeet Singh Reen, Advocate)

**ORDER**

**Mr. P.K. Basu, Member (A)**

The applicant was first appointed regularly as Optical Skilled Worker (OSW) with effect from 27.01.1988. He was promoted to the post of Highly Skilled with effect from

20.05.2003 and subsequently as HS-I with effect from 2.04.2007. Earlier there were only three grades namely Skilled Worker, Highly Skilled and Master Craftsman (MCM). Vide order dated 14.06.2010, the following ratio of grades in the industrial trades were introduced with effect from 1.01.2006:

- "(i) 45% skilled worker in PB-I+1900GP
- (ii) 20.625% HS-II in PB-I+2400GP
- (iii) 20.625% HS-I in PB-I+2800GP
- (iv) 13.75% MCM in PB-2+4200GP"

2. Basically, Highly Skilled workers were split in two grades, Highly Skilled-I in PB-I with Grade Pay Rs.2800/- and Highly Skilled-II in PB-I with Grade Pay Rs.2400/-. The higher scale of HS-I was to be given to highly skilled personnel on the basis of seniority. The grievance of the applicant is that his serial number in seniority is 58 and upto serial number 57, HS-I scale was granted from 1.01.2006. According to the applicant, as against 38 posts of MCM as on 1.01.2006, 29 posts were filled up and 9 were lying vacant. In case, the department had filled up these 9 vacancies, there would have been more vacancies in HS-I and the applicant being at next seniority position, would have got promotion from 1.01.2006 itself. It is further stated that from the order dated 13.12.2010, which is an order regarding restructuring of cadre, it is clear that the benefit has to be given from 1.01.2006.

3. Per contra, the argument of the respondents is that promotion to MCM Grade was as and when vacancies arose as

per relevant rules. Moreover, promotions in HS-I grade and MCM grade were to be given trade/ grade wise only. Since as per roster position, vacancy of General category employee was created on 2.04.2007, the applicant was promoted with effect from 2.04.2007 in HS-I.

4. We have heard the learned counsel for the parties and gone through the pleadings available on record.

5. We are of the opinion that the OA has been filed under a misconception. HS-I and HS-II were to be granted with effect from 1.01.2006 according to seniority. Upto serial number 57, persons were granted HS-I according to number of posts and the applicant was at seniority position 58. When the vacancy arose on 2.04.2007, he was promoted as HS-I. There is nothing in the instructions of cadre review dated 13.12.2010 which state that the incumbents have to be given benefit from 1.01.2006 without considering when the actual vacancy in HS-I arose. The second contention of the applicant that had the respondents filled up 9 vacancies of MCM on time there would have been vacancies created is also not a valid argument because:

- (a) The promotion to MCM has to be based on vacancies available as well as eligibility as per rules;
- (b) The applicant cannot be given notional promotion presuming that HS-I above the applicant should have moved as MCM as on 1.01.2006; and

(c) There is no instruction in the cadre restructuring dated 13.12.2010 that senior most HS-II has to be automatically upgraded as HS-I.

6. The OA, therefore, does not succeed and is dismissed. No costs.

(Raj Vir Sharma)  
Member (J)

(P.K. Basu)  
Member (A)

/dkm/