

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00190/2017

Monday this the 9th day of April, 2018

CORAM:

**Hon'ble Mr. U. Sarathchandran, Judicial Member
Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member**

1 G. Vikraman Nair,
T/14 Vehicle Mechanic (Motor Vehicle),
Unit Increment to 654 EME BN (Attached to 260 FD WKSP COY),
Pin – 906 260, C/o. 56 APO, presently at Pangode,
Thirumala P.O., Thiruvananthapuram – 695 006,
Residing at Nandanam, Cheruvalli-1, GRA-C-48,
Gandhipuram, Sreekariyam P.O.,
Thiruvananthapuram – 695 017.

2 Y. Simon,
T/04 Vehicle Mechanic (Motor Vehicle),
Unit Increment to 654 EME BN (Attached to 260 FD WKSP COY),
Pin – 906 260, C/o. 56 APO, presently at Pangode,
Thirumala P.O., Thiruvananthapuram – 695 006,
Residing at Saneesh Bhavan, Nellikkad,
Kollode P.O., Thiruvananthapuram – 695 571.

3 R. Murukesan,
T/15 Vehicle Mechanic (Motor Vehicle),
Unit Increment to 654 EME BN (Attached to 260 FD WKSP COY),
Pin – 906 260, C/o. 56 APO, presently at Pangode,
Thirumala P.O., Thiruvananthapuram – 695 006,
Residing at C123/1, Kairali Nagar, Thirumala P.O.,
Thiruvananthapuram – 695 006. **Applicants**

(By Advocate – Mr. Vishnu S. Chempazhanthiyil)

V e r s u s

1 Union of India,
Represented by the Secretary,
Ministry of Defence, South Block,
New Delhi – 110 011.

2 Director General of EME,
Master General of Ordnance Branch,
Integrated Headquarters of Ministry of Defence (Army),
DHQ P.O., New Delhi – 110 105.

3 Commanding Officer,
654 EME Battalion, C/o. 56 APO – 906 654.

4 The Officer Commanding,
260 FD WKSP COY, Unit: Increment to 654 EME BN,
Pin – 906 654,
C/o. 56 APO at Pangode, Thirumala P.O.,
Thiruvananthapuram – 695 006. **Respondents**

(By Advocate – Mr. Sinu G. Nath, ACGSC)

This Original Application having been finally heard on 03.04.2018, the Tribunal on 9.4.2018 delivered the following:

ORDER

Per: E.K. Bharat Bhushan, Administrative Member

OA No. 190/2017 is filed by Shri G. Vikraman Nair and two others who are Vehicle Mechanic (Motor Vehicle), Unit Increment to 654 EME Bn, Pangade to grant them benefit of cadre restructuring to Artisan staff in the defence establishments. The reliefs sought in the OA are as under:

- (i) *Direct the respondents to extend the benefit of Annexures A2 and A3 in the matter of restructuring of cadre of Artisan Staff in Defence Establishments made in modification of recommendations of the 6th CPC.*
- (ii) *Direct the respondents to grant placement to 1st applicant in Grade Pay of Rs. 2800/- in PB-1, 2nd applicant in Grade Pay of Rs. 2400/- on PB-1 and 3rd applicant in Grade Pay of Rs. 2400/- in PB-1 as recommended in Annexure A7.*
- (iii) *Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.*
- (iv) *Award the costs of these proceedings.*

2. Brief facts of the case are that the 1st applicant was appointed initially as Vehicle Mechanic (Motor Vehicle) Skilled, on 8.2.1989. He was granted 1st ACP on completion of 12 years on 24.12.2001. Thereafter the applicant states that he has got two promotions, one as Vehicle Mechanic (HS) on 20.5.2003 and as Vehicle Mechanic

(MV) Skilled on 7.8.2006 and he was granted IIInd MACP on 8.2.2009. Second applicant was appointed as a Labourer and placed as Vehicle Mechanic (Mate) on 1.8.1998 and as Vehicle Mechanic (MV) Skilled on 13.5.2006. He was granted IIInd MACP on 1.9.2008. He was further promoted as Vehicle Mechanic (MV-HS-II) on 7.8.2006. 3rd applicant was joined as Vehicle Mechanic (MV) Skilled on 1.4.2007.

3. 2nd respondent issued restructuring orders for restructuring of Artisan staff at the Unit Level w.e.f. 1.1.2006 vide Annexure A2 dated 4.12.2012. In this communication, a onetime relaxation of the condition that they had to pass trade test and qualify in DPC, possess as qualifying service was granted till 14.6.2010. When clarification was sought by the unit where the applicants are working, the 2nd respondent issued Annexure A6 communication dated 17.12.2014. Applicants submit that they are entitled for Grade Pay of Rs. 2800/-, Rs, 4200/- and Rs. 2400/- respectively. According to them vide Annexure A3, the category of Skilled will be placed in Grade Pay Rs. 1900, HS Grade II in Grade Pay Rs. 2400, HS Gr.I in Grade Pay Rs. 2800 and Master Craftsman in Grade Pay Rs. 4200/- from 1.1.2006. In their case the restructuring scheme automatically applies to them and they were entitled for placement in Skilled/HS-II/HS-I/MCM as per orders at Annexures A2 and A3.

4. As grounds the applicants state that the denial of the benefit granted vide Annexure A3 is arbitrary and unfair. The restructuring scheme automatically applies to the applicants and they were entitled for the benefits in terms of Annexures A2 and A3. There is no rationale to deny them the aforesaid benefits. The placement is to be allowed in view of the onetime relaxation and also clarification at Annexure A8 that the vacancies from 14.6.2010 are to be filled up under the new Recruitment Rules.

5. Per contra respondents have filed a reply statement stating that the case of the applicants had been placed before the competent authority, Director General of

EME, the Cadre Controlling Authority of the establishment, and based on the specific clarification received from that authority further proceedings to grant the placement/promotions under the restructuring of cadre of Artisans staff in Defence establishments in modification of recommendations of the 6th CPC to the appropriate higher grades have already been initiated. The recommendations for placement/promotion along with pay fixation proforma have been forwarded to Local Audit Authority, Trivandrum for necessary verification and approval. The approval is still awaited.

6. Shri Vishnu S. Chempazhanthiyil, learned counsel appearing for the applicants and Mr.Sinu G.Nath, ACGSC appearing for the respondents have been heard and all documents/records perused.

7. It is pertinent to note that the respondents have not denied the claims of the applicants. On the contrary they have submitted that the proposal is under their active consideration. Hence we feel that at this point a suitable decision from our side would be to direct the respondents to consider and dispose of the matter pending before them with respect to the applicants' claims. We do so. At the same time, we hasten to add that we are not expressing any view regarding the eligibility of the applicants for the specific reliefs sought. Respondents will take a final decision in the matter within two months from the date of receipt of a copy of this order. No order as to costs.

(E.K. Bharat Bhushan)
Administrative Member

(U. Sarathchandran)
Judicial Member

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List of Annexures of the Applicants

Annexure A-1 - True copy of the seniority cum nominal roll of Skilled (Part-II Cadre) Tradesman of Increment to 654 EME BN w.e.f 1st Jan 2006 to 14 Jun 2010,

issued by the 4th respondent.

- Annexure A-2 - True copy of the communication No. B/21892/44/1/ EME Civ (C2) dated 04.12.2012 issued by the 2nd respondent.
- Annexure A-3 - True copy of the Ministry of Defence Communication No. 11(5)/2009-D(Civ.I) dated 14.06.2010.
- Annexure A-4 - True copy of communication No. LA/TVM/408/A dated 12.08.2014 issued by the Local Audit Officer (A), Ministry of Defence.
- Annexure A-5 - True copy of communication No. 20201/Est/Civ dated 22.09.2015 to the 2nd respondent.
- Annexure A-6 - True copy of the communication No. B/21892/1/ EME Civ(C-2) dated 17.12.2015 issued by the 2nd respondent.
- Annexure A-7 - True copy of the recommendations for restructuring of the Artisan Staff in the applicants Unit.
- Annexure A-8 - True copy of the corrigendum issued by the Ministry of Defence.

List of Annexures of the Respondents

Nil.

PPS to Member
