

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00314 /2016

DATED THIS THE 8th DAY OF SEPTEMBER 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI PK.PRADHAN MEMBER(A)

1.H.Mohd Shafi,
S/o Ameer Hayath,
Aged about 39 years
Working as High Skilled-II (Machinist),
O/o. The Commandant & Managing Director
515 Army Base Workshop, Ulsoor
Bangalore-560 008.
Resident of No.10, 3rd Floor,
North Street, Nelasandra,
Bangalore-560 047.

#..Applicant

(By Sri B.Veerabhadra, Advocate)

Vs.

1. The Union of India
Rep. by its Secretary
Ministry of Defence
South Block, New Delhi-110 001.

2.The Director General of EMI(Civ),
Master General Of Ordnance Branch,
Integrated Headquarters of
Ministry of Defence (Army)
DHQ PO, New Delhi-110 011.

3.The Commander Base Workshop Group,
Meerut Cantt, Meerut Pin-900 458.

4.The Principal Controller of Defence Accounts,(FYS),

10A, SK Bose Road, Kolkata 700 001.

5.The Secretary,
Department of Personnel & Training,
North Block, New Delhi-110 001.

6.The Commandant & Managing Director
515 Army Base Workshop,
Ulsoor, Bangalore-560 008.

7.Shri Selian,
HS 2 Machinist,
O/o The Commandant & Managing Director
515 Army Base Workshop
Ulsoor, Bangalore-560 008.

#.Respondents

(By Shri M.Swayam Prakash, Sr.CGC)

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

1. Heard. The matter seems to be covered by our earlier order in OA No.1236 of 2013, dated 07.11.2016. But the learned counsel for the respondents submits that there might be some distinctions in it. Therefore, we had queried with him as to what are the distinctions in it. Unfortunately, he was unable to illuminate the point. But, in paragraph 1 of the reply, it is stated that the applicant has sought for a pay fixation at Rs.7440/- in terms of CCS (Revised Pay) Rules, 2008 to bring parity on par with the direct recruits vis-a-vis the promotes like the applicant.

2. A reply is since given that the applicant had been promoted to the post of Welder Skilled-II in the scale of Rs.5200-20200 with the Grade Pay of Rs.2400/- with retrospective effect from 01.01.2006 relaxing the conditions like trade test etc., as one time measure. As per the recommendation of 6th Pay Commission in respect of all Central Government employees was fixed in certain parameters. They would quote that the fixation of pay on promotion on or after 01.01.2006 as per paragraph 13 of CCS (RP) Rules, 2008 i.e. fixation of pay on promotion on or after 01.01.2006, in the case of promotion from one grade to another in the revised pay structure will be done on the method given below:-

The method is that one increment equal to 3% of the sum of the pay in the Pay Band and the existing grade pay will be computed and rounded off to the next multiple of 10. There cannot be any dispute in the methodology. But the problem arises in that is for direct recruitees to the same level a different pay scale is paid. Obviously that cannot be. Because persons who were doing the same work in the same governing structure must have the same pay scale whether they are promotees or direct recruitees. Therefore, this extraordinary contention raised by the Principal Controller of Defence Accounts, Kolkata will not lie. The applicant is also entitled to it. Therefore, the pay grade of Rs.7440/- as is

given to the direct recruitees, is available to the promotees also . We declare hereby that the pay and benefits of the applicant be computed on par with direct recruitees who are in the same rank and same level. OA is allowed. No order as to costs.

(PK.PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

bk.

Annexures referred to by the applicant in OA No.170/00314/2017

Annexure A1: True copy of the OA.No.474/2013 with its annexures.

Annexure A2: True copy of the reply statement of OA.No.474/2013 with its annexures.

Annexure A3: True copy of the Final order in OA.No.474/2013 dated 14.10.2015 passed by CAT, Bangalore Bench.

Annexures with reply statement:

Annexure R-1: True copy of III-Previous Qualifying service and Foreign service.

Annexure R-2: True copy of letter addressed The Chief of Army Staff, The Chief of Air Staff, The Chief of Naval Staff, by Under Secretary , M/ Defence.

Annexure R-3: True copy of IV -History and verification of service

Annexure R-4: True copy of III-Previous Qualifying service and Foreign service.

Annexure R-5: True copy of IV -History and verification of service

Annexure R-6: True copy of The Gazette of India, Feb 18, 2006/MAGHA 29, 1927.

Annexure R-7: True copy of Statement of fixation of pay of Chinna Swamy.N

Annexure R-8: True copy of CCS (RP) Rules, 2008.

Annexure R-9: True copy of Circular No.Pay/Tech.II/04/Roll/15 dated 26.8.2011.

Annexure R-10: True copy of Statement of fixation of pay of Chandrakanth RM