

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

ORIGINAL APPLICATION No. 170/00847-848/2015

TODAY, THIS THE 07th DAY OF SEPTEMBER, 2018

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE SHRI DINESH SHARMA, ADMINISTRATIVE MEMBER

1. M.Srinivasa
S/o Munivenkatappa,
Aged 53 years, Occ: Service T.No.2740
Tool Maker, Working in
515 Army Base Workshop,
Bangalore – 560 008.

2. Rajashekhar Auradkar
S/o Sri.Sharanappa Auradkar
Aged 53 years, Occ: Service T.No.2742
Tool Maker, working in
515 Army Base Workshop
Bangalore – 560 008.

...Applicants

(By Advocate Shri B.S. Venkatesh Kumar)

Vs.

1. The Union of India, By its Secretary,
Ministry of Defence, South Block,
New Delhi-110 011.

2. Director General of EME
Army Head Quarters, DHQ P.O.
New Delhi-110 011.

3. Commandant & Managing Director,
515 Army Base Work Shop,
Bangalore – 560 008.

4. The Department of Personnel and Training,
Represented by its Secretary,
North Block,
NEW DELHI-110 011.

5. The Commandant Head Quarter,
GP.EME. Meerut Cantt.-250 001.

...Respondents.

(By Advocate Shri Gajendra Vasu)

ORDER

Hon'ble Shri Dinesh Sharma, Administrative Member

The 2 applicants in this case were appointed as Turners with effect from 24.08.1987. The 1st applicant was promoted to Highly Skilled Grade-II (HS-II) with effect from 02.11.1991 and designated as Tool Maker. The 2nd applicant was designated as Tool Maker after his promotion to HS-II with effect from 15.06.1992. In 2006, the Tool Maker trade was merged with 4 other trades. This merger continued till 18.08.2008 when a letter from the Army Headquarter clarified that the Tool Maker trade will continue in Part-I and their seniority shall be maintained separately. Following this, some persons, who were recruited much after the applicants, were given promotion to Master Craftsman (MCM) which is a grade higher than the HS-II grade of the applicants. The applicants have requested for giving them HS-I Grade Pay and MCM Grade Pay with effect from the date their juniors were promoted (from 1.1.2006), as one time relaxation. They have cited the case of Shri J. Sampath Kumar and Others, who had approached this Tribunal for promotion to Highly Skilled Grade on par with their juniors, in O.A. No. 197 of 2011, which was allowed by this Tribunal. The applicants had submitted their representations on the basis of this decision, requesting the respondents to treat them in the same way, but the same was rejected by the impugned order at Annexure A-7. Hence this Application.

2. The respondents have, generally, not denied the facts stated by the applicants. However, they have denied any right of the applicants to seek one

time relaxation to get them promoted from a date on which the persons alleged to be their juniors were promoted as MCM. The argument of the respondent is that once the trades are separately classified, their seniority cannot be compared as common. The applicants got earlier promotions in their line of trade while the alleged junior persons are now in a different line of trades.

3. After going through the pleadings and listening to the arguments on both sides, it is clear that the applicant's case arises from the fact that various trades were merged into one group in 2006. But it is also a fact that these were later demerged in 2008. It was made very clear in 2008 itself that Tool Makes seniority will be maintained separately. The applicants have not arrayed the persons, claimed to be their juniors as respondents saying that they have not sought any change in their position. The only supporting argument that remains in favour of the applicant is the decision of this Tribunal in O.A. No. 197 of 2011. In that case, the applicants therein were granted relief since after the merger and creation of a combined list, some junior persons were promoted based on vacancies in their trade prior to the merger. However, this is not what is even alleged to have happened in the present case. Here the applicants are no longer part of a combined list and this fact was made known to them in 2008 itself.

4. In any case, the cause of action arose in 2010 when the alleged junior persons were given retrospective promotion from 2006. The request of the applicants is, therefore, hopelessly barred by period of limitation. They have not even given any request for condonation of delay. The fact of their having raised this matter with the authorities after this Tribunal's judgement in O.A. No. 197 of 2011, does not amount to extending the period of limitation.

5. The O.A is, therefore, dismissed both on merits and as one barred by limitation. No orders as to costs.

**(DINESH SHARMA)
ADMINISTRATIVE MEMBER**

**(DR. K.B. SURESH)
JUDICIAL MEMBER**

Cvr.

Annexures referred to by the Applicant in OA No.170/00847-00848/2015

1. Annexure A1 Copy of the letter No.203/Policy/civ/Est dated 18.08.2008 (Merger of trades)
2. Annexure A2 Copy of the Notification No.11(5)/ 2008/D (Civ.I) dated 28.8.2009
3. Annexure A3 Copy of the letter No.11(5)/ 2009/D (Civ.I) dated 14.06.2010 (Restructuring order)
4. Annexure A4 Copy of the order dated 11.4.2014 in OA No.197/2011
5. Annexure A5 Copy of the Representation dated 19.9.2014 by the applicants
6. Annexure A6 Copy of the Notification issued by Ministry of Defence (Recruitment Rules for Tool Maker- HSG-I)
7. Annexure A7 Copy of the letter No.21802/Complaint/T-6/Est dated 17.2.2015 (impugned order)
8. Annexure A8 Copy of the representation dated 19.6.2015 by the 1st applicant.
9. Annexure A8(a) Copy of the representation dated 19.6.2015 by the 2nd applicant.
10. Annexure A9 Copy of the letter No.24501/RTI/Gen/T-6/Est dated 26.5.2018

Annexures referred to by Respondents

1. Annexure R1 Copy of the letter No.11(1)/2002/D(Civ.I) dated 20.5.2013
2. Annexure R2 Copy of the letter No.203/Policy/Civ/Est dated 22.5.2006
3. Annexure R3 Copy of the letter No.203/Policy/Civ/Est dated 18.8.2008
4. Annexure R4 Copy of the letter No.11(1)/2009/D(Civ.I) dt. 14.6.2010
5. Annexure R5 Copy of the letter 21802/Complaint/T-6/Est dt.17.2.2015

Annexures with Written Arguments filed on behalf of the applicant

1. Annexure A1 Copy of the extract of seniority List

2. Annexure A2 Copy of the seniority list of Tool Mater