

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.86 OF 2018

Dated this Wednesday, the 31st day of January, 2018

CORAM:- HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

1. Artificial Limb Centre Employees Union,
through the President, Shri M.Kannabiran,
Having office at – 73, Wanwari Bazaar,
Pune 411 040.
2. A.V.Guhagarkar, Supervisor Gr.II Tech.,
Artificial Limb Centre, Pune,
(R/at : B-27, Hans Nagar, Viman Bldg.,
Tingre Nagar Road, Bhairav Nagar,
Dhanori, Pune – 15).
3. M. Kannabiran, Chief Limb Fitter,
Artificial Limb Centre, Pune,
(R/at : ¼ Defence Civilian Qtrs.,
Lullanagar, Pune – 46.)
4. Raju Elliah Ginellu, Limb Fitter,
Artificial Limb Centre, Pune,
(R/at: 10 / 17 Defence Civilian Qtrs.,
Lullanagar, Pune – 40).
5. Lokinder Surbir Painoli,
Limb Fitter, Artificial Limb Centre, Pune.
(R/at : D-5/17 Salunkhe Vihar,
Kondwa, Pune – 22).
6. Rathan Singh Negi (Retd.), Supervisor Gr.-I (Tech),
Artificial Limb Centre, Pune
(R/at : Datya Tope Housing Society,
Wanoriegaon, Pune – 40).
7. Shaikh Elliyas Aziz, Supvr. Gr.II (Tech)/Fitter,
Artificial Limb Centre, Pune
(R/at : 2271, New Modhikhana, Near Mayfair Bldg.,
Pune Camp, Pune 411 001).
8. Avatar Singh Aiden (Retd.), Chief Limb Fitter,

Artificial Limb Centre, Pune
(R/at : 5/2 Tathya Tope Co.op Housing Society,
Wanoriegaon, Pune – 40).

9. Surjit Singh Dhanjal, (Retd.)
Chief Limb Fitter, Artificial Limb Centre, Pune,
(R/at : Hans Residency, Flat No.8,
4th Floor, Wanoriegaon, Pune 40).
10. Harry David Dass, Limb Maker Carpenter,
Artificial Limb Centre, Pune
(R/at : 73, Wanorie Bazar, Pune – 40).
11. Hanumant Raghunath Kharat, Limb Maker,
Leather Fabric & Certalmid,
Artificial Limb Centre, Pune
(R/at : Raghunath Villa, S.No.650/1/2
Vignahar Nagar, Bibewadi Pune -37).
12. Rajendra Bhagwan Doiphode (Retd.),
L.M.L.F. & C., Artificial Limb Centre, Pune.
(R/at : Flat No.G-4, Bldg No.6 Atur Nagar,
Undri, Pune – 60).
13. Prakash Eknath Shitole, Limb Fitter,
Artificial Limb Centre, Pune
(R/at : S.No.45, Surekh Yog Apartments,
R.No.203, Ghorpadigaon, Pune 411 001.)
14. Sanjay Tukaram Mungnalkar, L.H.T.
Artificial Limb Centre, Pune
(R/at : 3/24, Defence Civilian Accommodation,
Lullanagar, Pune 411 040).
15. Sanjeevan Shivram Pawar (Retd.), L.H.T.
Artificial Limb Centre, Pune
(R/at : 461, Koyan Housing Society, Flat No.8,
Salisbury Park, Opp. Radhay Swamy Sastang,
Gultekdi, Pune – 37).
16. Tarlok Singh Sandhu (Retd.), Supervisor Gr.II (Tech.)
Artificial Limb Centre Pune
(R/at : Margesa Heights, Bldg.C-1,
F.No.601, Mohammadwadi, Pune 60.
17. Vijay Dinkar Pachangane, Limb Maker Carpenter,
Artificial Limb Centre, Pune
(R/at : No.46, Patil Chawl,

Near Telephone Exchange,
Sasawad Road, Bhakarayee Nagar,
Rushishi 412 308.

18. Maruthi Dibbanna Chandragiri,
Limb Maker Carpenter, Artificial Limb Centre Pune,
(R/at : CTS No.417, First Floor,
Near Hanuman Mandir, Wanoriegaon,
Pune -40).
19. Sarjerao G. Yadav (Retd.), Bench Fitter,
Artificial Limb Fitter, Pune
(R/at : No.188 Shram Saphalya, S.No.51/14/1,
Wadgaon BK, Sinhagad Road, Pune 41.
20. Machandra A. Newase (Retd.)
Bench Fitter, Artificial Limb Fitter Pune,
(R/at : At post – Borihainde,
Taluka – Daund, District Pune.
21. Suresh Baban Panhale (Retd.),
Supvr. Gr. III (Tech), Limb Maker Carpenter,
Artificial Limb Centre, Pune
(R/at : S.No.34/3/2 yenpure Nagar,
Kashi Vishwanath Appt., Dhankawadi,
Pune – 43.

.. Applicants

(By Advocate Shri S.P.Saxena).

Versus

1. The Union of India, through the Secretary,
Ministry of Defence, South Block,
New Delhi – 110 011.
2. The Director General,
Armed Forces Medical Services,
Ministry of Defence, 'M' Block,
New Delhi 110 011.
3. The Commandant,
Artificial Limb Centre, Wanorie Road,
Pune 411 040.
4. The Controller General of Defence Accounts,
Ulhan Batter Road, Palam,
Delhi Cantt. 110 010.
5. The Principle Controller of Defence Accounts,
(Southern Command) No.1
Finance Road, Opp. CTO Pune 411 001.

.. Respondents.

O R D E R (ORAL)

Per:- Hon'ble Shri A.J.Rohee, Member (Judicial)

Today when the matter is called out for admission, heard Shri S.P.Saxena, learned Advocate for the applicants. We have carefully perused the case record.

2. By this Joint Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants who are presently working as Supervisor Grade II Technical / Chief Limb Fitter have come up with the grievance that they have not been properly sanctioned the financial upgradation under ACP in the promotional hierarchy and granted the lower scale.

3. In this OA, the applicants seek the following reliefs :-

“8(a). To allow the application.

(b). To hold and declare that the Applicants are entitled to have their pay fixed in the pay scale of the promotional post of Chief Limb Fitter (5500-9000) by way of 1st Financial Upgradation under the ACP Scheme introduced vide OM dated 09.08.1999.

(c). To further hold and declare that the Applicants are also entitled to have their pay fixed in the pay scale of Rs.8000-13500/- on completion of 24 years of service by way of grant of 2nd Financial Upgradation in terms of

D.O.P.T. Clarification No.32 contained in OM dt.10.02.2000 issued by the DOPT.

(d). To direct the Respondents to refix Applicants pay in the scale of pay of Rs.5500-9000/- and in the scale of pay of Rs.8000-13500/- as and when each of them completes 12 and 24 yrs., of service, respectively and when each of them completes 12 and 24 yrs., of service, respectively.

(e). To direct the Respondents to pay the arrears of pay and allowances arising out of revised pay fixation as prayed in Para 8(b) and 8(d) above.

(f). To pass any other order which may be considered necessary in the facts and circumstances of the case.

(g). To award the cost of application.”

4. The record shows that to ventilate their grievance the applicants submitted individual representations to the respondent No.2 vide Annexure A-7(a) collectively. However, according to them, no decision has been taken by the respondent No.2, since nothing has been heard from the other end.

5. Considering this fact, there is no adverse order / decision taken by the respondent No.2 as such which can be judicially reviewed. In view of this, it will be appropriate to issue directions in

the matter.

6. The MA No.63/2018 for permission to file Joint Petition is allowed.

7. The respondent No.2 is hereby directed to consider and pass a reasoned and speaking order on the pending representations of the applicants to ventilate their grievance, in accordance with law within a period of eight weeks from the date of receipt of certified copy of this order.

8. The order so passed shall then be communicated to the applicants at the earliest, who will be at liberty to approach the appropriate forum in case their grievance still persists.

9. The OA stands disposed of with the above directions, at the admission stage, without issuing notice to the respondents or without making any comments to the merits of the claim.

(R. Vijaykumar)
Member (Administrative)
kmg*

(Arvind J. Rohee)
Member (Judicial)