

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1104/2018 & M.A.No.653/2018

Dated Friday, the 1st day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

1. National Defence Group – B Gazetted Officers Association

Heavy Vehicles Factory Branch

Represented by its Secretary, Mr. A. Kannan

Avadi, Chennai – 600 054.

2. A. Kannan

457 A, Thamarai Street

Poomphozil Nagar

Avadi, Chennai 62.

... Applicants in OA/Respondents in MA

By Advocate M/s S.P. Chockalingam

Vs.

1. Union of India rep. by

The General Manager

Heavy Vehicles Factory

Avadi, Chennai – 54.

2. The Director General of Ordnance Factory & Chairman
Ordnance Factory Board
10A, S K Bose Road
Kolkata – 700 001.

3. Government of India
Ministry of Defence
Department of Defence Production
130-E South Block, New Delhi – 110 011.

**... Respondents in OA /
Applicants in MA**

By Advocate Mr. C. Kulanthaivel

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “i. To direct the respondents to modify their proposal for the revision of hierarchy of Group B Cadre (G/NG) in their ordnance factories by including MCM cadre, among all other posts which have Grade Pays 4200 & 4600 to arrive the strength for 4800 Grade Pay
- ii. To restrain the respondents from implementing the proposal of rationalisation of manpower.”

2. The grievance of the applicant is that the recommendations of the 7th CPC to enhance the promotional avenues for Junior Works Manager (JWM) were allegedly flouted by the respondents so as to deny the benefit of GP Rs.4800 and further non-functional upgradation to GP Rs.5400 on completion of four years in level 8 on a seniority cum suitability basis. It is submitted that the Commission had made the following recommendations in the light of its observations that the avenues for progression for JWM cadre were extremely limited:-

- “i. Of the total pool of posts in GP 4200 and GP 4600, ten percent should be earmarked to be placed in GP 4800.
- ii. The posts in GP 4800 should be filled up from personnel in GP 4200 and GP 4600 in the following manner:
 - 70 percent of such earmarked posts should be filled up through promotion from GP 4600;
 - 30 percent should be filled up through a Limited Departmental Competitive Examination in which employees from both GP 4200 and GP 4600 would be

eligible to compete. This will enable deserving and meritorious employees at GP 4200 to jump GP 4600 and go directly to GP 4800 [level 8].

iii. 80 percent of the employees in GP 4800, will be eligible for non-functional upgrade to level 9 [GP 5400 (PB-2)] upon completion of four years in level 8, on a seniority cum-suitability basis."

3. It is alleged that the respondents were giving effect to the recommendations in a manner prejudicial to the interests of the applicants in as much as on the one hand they were including Office Superintendents (OSs) as part of the total pool of posts in GP Rs.4200, while excluding the category of Master Craftsman (MCM) with GP of Rs.4200, on the other though the latter is the feeder cadre for the post of Chargeman(T) and consequently ought to have been included. If this had been done, the total of the pool would work out to 31896 in the technical cadre and 4405 in the non-technical cadre including the OSs. The exclusion of MCM has reduced the number of posts available for placement in GP Rs.4800 by as much as 1467 which is a huge reduction from the number envisaged by the Pay Commission, it is contended.

4. In the light of the submission by the counsel for the respondents that the recommendation had not yet been finalized in the form of statutory rules and orders (SRO), this Tribunal considered the matter at the admission stage on 11.10.2018 and passed an interim order restraining the respondents from acting further on the basis of the recommendations of the 7th CPC till further orders.

5. MA has been filed by the respondents for vacation of the interim order pleading that the post of MCM was never part of the technical cadre.

On the other hand, there was a separate cadre comprising of Skilled, HS-II, HS-I and MCM. The 7th CPC had not specifically recommended inclusion of the post of MCM in GP Rs.4200 for the purpose of calculation of the strength of the pool. Addition of the huge strength of MCM would completely distort the cadre structure and confer unintended benefits to JWM in the GP of Rs.4600/- for whom 70% of the posts would be earmarked with the remaining 30% being opened up for persons from GP Rs.4200 & Rs.4600/- through LDCE. Since there is a provision for promotion of MCM in GP Rs.4200/- to Chargeman with GP Rs.4200/-, they cannot be allowed to jump to Rs.4800/- through the 30% LDCE avenue, it is contended.

6. Attention is drawn to para 11.12.105 of the recommendations of the 7th CPC wherein the commission had clearly noted that "the Chargeman were indeed appropriately placed. In fact persons with three year engineering diploma were placed in GP Rs.4200/- across several Government departments including the Railways. It, therefore, does not recommend the upgradation of GP from Rs.4200/- to Rs.4600/-." In the light of this, it is not possible to include MCM in the strength of the technical cadre solely for the purpose of disproportionately enhancing the promotional avenues for JWM as this would also make the MCM eligible to appear in the LDCE and get promoted to GP Rs.4800/- which would be wholly untenable given that they could not get a double promotion without passing through the stage of Chargeman. Accordingly, the OA is devoid of merits and liable to be dismissed, it is argued.

6. We have considered the submissions. It is not in dispute that the applicants are JWMs technical and not MCM themselves. They are seeking the inclusion of the MCM cadre only with a view to enhancing the promotional avenues for themselves. On the other hand, whether it would be in public interest to allow the MCM to jump the level of Chargeman and directly get promoted to GP Rs.4800/- is a matter of policy which is for the competent authority to decide keeping in view the recommendations of the 7th CPC. Any grievance with regard to Pay Commission's recommendations should be agitated before the competent forum. The Tribunal would come into the picture only if there is an order which violates any rules or standing executive orders issued in pursuance of the Pay Commission's recommendations.

7. In view of the above, we do not consider it a fit case for interference by this Tribunal. OA is dismissed. Interim order already granted stands vacated and MA 653/2018 is disposed of accordingly. No costs.

(P.MADHAVAN)
MEMBER(J)

01.02.2019

(R.RAMANUJAM)
MEMBER (A)

M.T.