

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 30th day of October Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

THE HON'BLE MR. P. MADHAVAN, MEMBER (J)

O.A./310/1753/2014

U.M. Natarajan,
Examiner Grade I, Pensioner,
Old No. 198, New No.184, Main Road,
Kamaraja Nagar,
Chennai- 600 071.

.....Applicant

(By Advocate : M/s. Paul & Paul)

VS.

1. Union of India Rep. by its
Director,
Director of Administration,
Head Quarters, DGQA Admin-10,
Duplex Road,
New Delhi- 110 001;

2. The Senior Quality Assurance Establishment (GS),
DGQA Complex, Palvanthangal P.O.,
Chennai- 600 114.

... ..Respondents

(By Advocate: Mr. M. Kishore Kumar)

ORAL ORDER

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

Heard. This OA is filed by the applicant seeking the following relief:-

“for a direction to the respondents to grant placement to the applicant as Master Craftsman from the date it became due in the pay scale Rs.4500-7000 and calculate, recomputed his pension on that basis and pay arrears of pension, allowances and pension etc.”

2. The applicant is aggrieved that his request for placement in the Master Craftsman grade in the pay scale of Rs. 4500-7000 following restructuring of Highly Skilled Grade-II and Highly Skilled Grade I cadres in pursuance of the Annexure R-1 order of the respondents dated 16.09.2003 had not been considered although such restructuring had been allowed with effect from 01.01.1996. It is submitted that the applicant retired from service on 31.7.1999. As the restructuring had been done with retrospective effect, the applicant was entitled to be placed as a Master Craftsman in the higher pay scale with effect from a date prior to 31.07.1999 in terms of the number of posts that would be available as per the scheme of restructuring.

3. It is submitted that as the number of Highly Skilled posts was to be calculated at 35% of the authorized strength of the skilled grades which worked out to 18 posts of Highly Skilled. 10% of this would work out to 2 posts. Accordingly, the two senior-most of the

persons working as on 01.01.1996 ought to have been granted Master Craftsman grade followed by the placement of the persons immediately below them in their turn with effect from the dates on which their seniors retired. It is alleged that if this procedure had been followed, the applicant would have been granted the Master Craftsman Grade with effect from a date prior to 31.07.1991, the date on which he retired and he would have benefited in terms of the higher fixation for gratuity, pension etc.

4. Learned counsel for the respondents would, however, submit that the applicant's claim was misplaced as he could not be considered for placement in the Master Craftsman grade only for want of vacancies. In any case, the applicant had not made a representation before the competent authority and as such, it was premature for him to approach this Tribunal.

5. We have considered the submission made by the rival counsel. It is not in dispute that the competent authority issued an order dated 16.09.2003 providing for restructuring of the cadres to which the applicant belonged with retrospective effect from 01.01.1996. It is also not in dispute that a proposal was sent by Annexure R3 letter dated 30.12.2003 containing the names of persons who could be placed as Master Craftsmen. It is seen that the applicant's name figures at Sl. No.8 thereof and the applicant was proposed to be promoted as Master Craftsman with effect from 23.12.1998 vice Shri

P. Dayaneswaran. In the reply submitted by the respondents, it has not been explained how the applicant could not be accommodated in terms of the dates of appointment of his seniors in the said grade and their retirement date.

6. In the aforesaid background and facts of the case, we are of the view that the ends of justice would be met in this case, if the applicant is permitted to submit a detailed representation regarding his claim to the competent authority within a period of four weeks from the date of receipt of copy of this order. On receipt of such representation, the competent authority shall consider the same in accordance with the scheme of restructuring and in the light of the dates of retirement of his seniors prior to 31.07.1999 and pass a reasoned and speaking order within a period of two months thereafter.

7. OA is disposed of as above. No costs.

(P. MADHAVAN)
MEMBER(J)

(R. RAMANUJAM)
MEMBER(A)

asvs.

30.10.2018