

All India Defence Estate Employees' Association

Vs

Union of India and Others

Civil Appeal No. 11418 of 1995

(G. T. Nanavati, S. R. Babu JJ)

27.08.1998

JUDGMENT

1. This appeal against the order of the Central Administrative Tribunal deserves to be dismissed as we are of the opinion that the view taken by the Tribunal is correct.
2. The only question raised before the Tribunal was whether Appellants 2 and 3 were entitled to the benefit of one increment under Fundamental Rule 22-C on their promotion from the post of Technical Assistant to the post of Office Superintendent Grade II in 1988. The Tribunal held that Appellants 2 and 3 were governed by Rule 7 of the Civilians in Defence C Services (Revised Pay) Rules, 1986 and not by Fundamental Rule 22-C. We are also of the opinion that Appellants 2 and 3 being civilians in defence services, the specific rule applied to them and not the general provision contained in FR 22-C. Moreover, the two cadres of Technical Assistant and Office Superintendent Grade II stood merged with effect from 1-1-1986 and the two pay scales attached to their cadres also merged with effect from the same date. Therefore, there could not have been any promotion within the cadre in the year 1988. That being so, the situation of granting benefit under Fundamental Rule 22-C did not arise at all because there were no promotions to a higher post or to a post carrying higher duties. As the claim of the appellants was misconceived it was rightly rejected by the Tribunal. We, therefore, dismiss this appeal with no order as to costs.