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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.916/2002

This the 10th day of July, 2003

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

T.No. 2593 C/J Jarnail Singh
M.T. Sub-Depot
Carpenter & Joiner Skilled
Ordnance Depot, Shakurbasti
Delhi-110056.

... Applicant

(By Shri Hori Lal, Advocate)

-versus-

1. The Secretary,
Govt. of India, Ministry of Defence,
New Delhi-110011.
2. The Director General of Ordnance Services,
Master General of the Ordnance Branch,
Army Headquarters, New Delhi- 110011.
3. The Commandant,
Ordnance Depot, Shakurbasti,
New Delhi-110056.
4. T.No. 1333/RSSD Jaipal Singh Rawat,
Carpenter & Joiner HS Grade II,
Ordnance Depot Shakurbasti,
New Delhi-110056.

... Respondents

(By Mrs. Promila Safaya, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant has challenged the action of respondents in denying promotion to him to the post of Carpenter & Joiner HS Grade-II (CJHS-II) despite having been placed at the fourth position in the merit list in the trade test. It has been alleged that respondent No.4, Shri Jaipal Singh Rawat, who was junior to applicant in merit as well as in general seniority, was promoted as CJHS-II w.e.f. 26.11.1998 instead. Applicant's representations.

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of 4.1.1999 and 11.10.2001 were rejected on the ground that respondent No.4 though lower in merit than applicant was promoted as the post was meant for the general category and while respondent No.4 belongs to the general category, applicant belongs to the SC.

2. The learned counsel of applicant drew our attention to relief 8(b) which is as follows :

"(b) Direct the respondents to promote the applicant to the post of Carpenter & Joiner HS Gde II from the same date from which his junior respondent No.4 has been promoted with consequential benefits."

The learned counsel pointed out that respondents have not offered any comments on this in their counter-reply. The learned counsel has also relied on order dated 22.12.2000 in O.A. No.44/2000 in which matter Shri Karamvir Singh was considered who was one notch senior to present applicant in the merit list of the trade test held during February-March, 1997 where respondent No.4 was at merit position 4 vis-a-vis Shri Karamvir Singh and present applicant's merit positions 2 and 3 respectively. Shri Karamvir Singh was also an SC candidate like the applicant. In that case promotion of Shri Karamvir Singh was cancelled by respondents with retrospective effect from 1.11.1997 on the ground that he had been wrongly promoted beyond the roster and could have been promoted on the availability of a reserved vacancy in the roster. The respondents had stated that panel formulated as a result of the trade test did not indicate merit and seniority. It was held in that case that Shri Karamvir

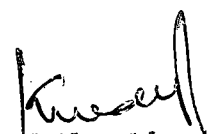
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Singh had been promoted on the basis of his merit and not on account of reservation. Consequently, respondents were directed to restore his promotion as CJHS-II with consequential benefits w.e.f. 1.11.1997. As a matter of fact, respondents were further directed to pay a cost of Rs.2,000/- to the applicant. In the present case too promotion to the post of CJHS-II on the basis of the same trade test in which one Daulat Ram, Karamvir Singh, applicant and respondent No.4 had appeared is involved. The learned counsel of respondents merely stated that the vacancy in the post of CJHS-II was meant for general category and applicant could have been promoted on availability of a vacancy as per reservation roster.

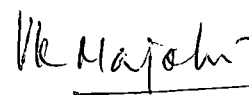
3. Nothing satisfactory could be stated on behalf of respondents in reply to relief prayed for in paragraph 8(b) which has been reproduced above. Respondents had not offered any comments on this point in their reply affidavit.

4. The argument of respondents that the post of CJHS-II related to general category had been raised in OA No.44/2000 as well and the same was not accepted.

5. Having regard to the facts and circumstances of the case as also the fact that order dated 22.12.2000 in OA No.44/2000 is squarely applicable to the present case, the OA is allowed and respondents are directed to promote applicant to the post of CJHS-II from the same date from which his junior respondent No.4 had been promoted, with consequential benefits. No costs.


(Kuldip Singh)
Member (J)

/as/


(V. K. Majotra)
Member (A)