

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

OA No. 703 of 2017

Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)
Hon'ble Mr. Swarup Kumar Mishra, Member (J)

Sibaram Sahu, aged about 46 years, S/o Late Gopinath Sahu, at present staying at Qtr. No. 21512/Type-II/5th phase, Ordnance Factory, Badmal, At/PO-Badmal, PS-Saintala, Dist-Balangir.

.....Applicant

VERSUS

1. Union of India, represented through Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S.K.Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Balangir (P), At-Badmal, PO-Gandapatrapalli, PS-Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir (P), At-Badmal, PS-Saintala, Dist-Balangir.
5. R.R.Naik, DBW HS-1, Ordnance Factory, Balangir (P), At-Badmal, PS-Saintala, Dist-Balangir.

.....Respondents

OA No.453/17

Sauri Shankar Mishra, Ordnance Factory, Badmal, AT/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.601/17

Phakir Mohan Panda, aged about 47 years, S/o: Chandra Sekhar Panda, At present staying at Qtr. No. 23142/Type-II/3rd Phase, Ordnance Factory, Badmal, AT/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.602/17

Bhusan Rana, aged about 45 years, S/o: Late Lokanath Rana, At present staying at Qtr. No. 23185/Type-II/3rd Phase, Ordnance Factory, Badmal, AT/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.603/17

Ashok Kumar Naik, aged about 48 years, S/o: Jayadev Naik, At/PO: Ganda Patrapalli, Dist-Balangir.

OA No.604/17

Ananda Bihari Naik, aged about 45 years, S/o: Kapileswar Naik, At: Bishnumunda, PO: Bhaler, Dist-Balangir.

OA No.605/17

Gopinath Patel, aged about 44 years, S/o: Bhagabat Patel, At: Rengali, PO: Kamarlaga, PS: Saintala, Dist-Balangir.

OA No.606/17

Srihari Behera, aged about 45 years, S/o: K. Behera, At present staying at Qtr. No.22436, Type-II/5th Phase, Ordnance Factory, Badmal, AT/PO: Badmal, PS: Saintala, Dist-Balangir,

OA No.607/17

Bidesi Pradhan, aged about 46 years, S/O: Hara Pradhan, At: Makri, PO: Goelbhai, Via: Saintala, Dist-Balangir

OA No.608/17

Saroj Kumar Mishra, aged about 47 years, S/o: Gourishankar Mishra, At/PO: Johisarda, Dist-Balangir.

OA No.609/17

Karam Singh Bhoi, Ordnance Factory, Badmal, AT/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.610/17

Suresh Chandra Rana, aged about 48 years, S/o: Siba Rana, At/PO: Belogaon, Dist-Balangir.

OA No.700/17

Bhima Sagar Sahu, aged about 43 years, S/o: Hiralal Sahu, At present staying at Qtr. No. 23294/Type-II/4th Phase, Ordnance Factory, Badmal, AT/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.701/17

Rohita Kumar sahu, aged about 49 years, S/o: Ragunath Sahu, At present staying at Qtr. No. 21556/Type-II/5th Phase, Ordnance Factory, Badmal, AT/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.702/17

Swaraj Muna, aged about 45 years, S/o: Dhruba Charan Mina, At-Bibina, PO/PS: Saintala, Dist-Balangir.

OA No.704/17

Sudam Bhue, aged about 40 years, S/o: Late Sobhasingh Bhue, At present staying at Qtr. No. 23456/Type-II/5th Phase, Ordnance Factory, Badmal, AT/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.705/17

Lokeshwar Chandan, aged about 47 years, S/o: Brusadhawaj Chandan, At-Narabahali, PO-Belgaon, Dist-Balangir.

OA No.706/17

Gopabandhu Meher, aged about 43 years, S/o: Madan Meher, At-Hatapada, Ward No. 14, PO: Titilagarh, Dist-Balangir.

OA No.707/17

Monoj Kumar Behera, aged about 43 years, S/o: Late Subodh Behera, At-Swadhin Para, PO: Titilagarh, Dist-Balangir.

OA No.708/17

Gangadhar Behera, aged about 46 years, S/o: Rush Behera, At present staying at Qtr. No. 23233/Type-II/4th Phase, Ordnance Factory, Badmal, AT/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.709/17

Raghumani Nanda, aged about 44 years, S/o: Santosh Nanda, At present staying at Qtr. No. 21094/Type-II/2nd Phase, Ordnance Factory, Badmal, AT/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.764/17

Dilip Kumar Bisoi, aged about 47 years, S/o: Bidhan Bisoi, At: Padmanavpur, Ward No.13, PO: Titilagarh, Dist Balangir at

present working as DBW HS-1, India Ordnance Factory, Balangir(P) AT: Badma, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.

OA No.765/17

Naba Kishor Puta, aged about 44 years, S/o: Arachu Putta, At: present working as DBW HS-1, staying at Qtr. No. 23600/Type-II/5th Phase, Ordnance Factory, Badmal At/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.766/17

Susanta Kumar Kuanr, aged about 43 years, S/o: Chandramani Kuanr, At: present working as DBW HS-1 & staying at Qtr. No. 23258/Type-II/4th Phase, Ordnance Factory, Badmal At/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.767/17

Laxmidhar Karmi, aged about 45 years, S/o:Jogeswar Karmi, At-Block Chowk, PO: Saintala, Dist-Balangir.

OA No.768/17

Narsingha Chandra Bhoi, aged about 47 years, S/o:Sribastsa Bhoi, At present workings as DBW HS-1 staying at Qtr. No.23234/Type-II/4th Phase, Ordinance Factory, Badmal, At/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.769/17

Nabika Kheti, aged about 46 years, S/o:Sitaram Kheti, At present workings as DBW HS-1 staying at Qtr. No.22309/Type-II/4th Phase, Ordinance Factory, Badmal, At/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.770/17

Kumar Bhoi, aged about 44 years, S/o: Bhikari Bhoi, At present staying at Qtr. No.23192/Type-II/3rd Phase, Ordinance Factory, Badmal, At/PO: Badmal, PS: Saintala, Dist-Balangir.

OA No.771/17

Duryodhan Swain, aged about 44 years, S/o: Mala Swain, At/PO: Gandapatrapalli, Dist: Balangir. At present working as DBW HS-1 Indian Ordinance Factory, Balangir(P) At-Badmal, PS: Saintala, Dist-Balangir.

OA No.772/17

Mohan Sahu, aged about 45 years, S/o: Jayalal Sahu, At present staying at Qtr. No.23099/Type-II/2nd Phase, Ordinance Factory, Badmal, At/PO-Badmal, PS: Saintala, Dist-Balangir.

OA No.773/17

Rajiv Prasad Bhoi, aged about 44 years, S/o: Late Sripati Bhoi, At present staying at Qtr. No. 22328/Type-II/4th Phase, Ordinance Factory, Badmal, At/PO-Badmal, PS: Saintala, Dist-Balangir.

.....Applicant

VERSUS

OA No.453/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PS: Saintala, Dist-Balangir.

OA No.601/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PS: Saintala, Dist-Balangir.
5. P. K. Thakur, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.602/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Upendra Kumar Jena, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.603/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Chandradhwaj Bhoi, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.604/17 & 606/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.

2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Anil Kumar Dash, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.

OA No.605/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Bhojraj Kumar, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.607/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Aswini Kumar Swani, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.608/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. P. K. Routray, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.609/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.

4. Works Manager, Indian Ordnance Factory, Bolangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Jalandhar Nanda, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.610/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Bolangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Ramesh Panigrahi, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.700/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Bolangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Sanjeev Kumar Mishra, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.701/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Bolangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Sailesh Tiwari, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.702/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Bolangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Rameswar Mohapatra, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.704/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Goura Kumbhar, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.705/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Sri Chandra Bhoi, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.706/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Bashista Majhi, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.707/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Raj Kishore Sahoo, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.708/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.

2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. R. R. Nayak, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.709/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Rupak Ranjan Panda, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.764/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Chandradhwaja Bhoi, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.765/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Lalt Kumar Sai, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.766/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.

4. Works Manager, Indian Ordnance Factory, Bolangir(P), At-Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
5. Goura Kumbhar, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.767/17

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2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Bolangir(P), At-Badmal, PS: Saintala, Dist-Balangir.
5. Surendra Majhi, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.768/17

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4. Works Manager, Indian Ordnance Factory, Bolangir(P), At-Badmal, PS: Saintala, Dist-Balangir.
5. Manas Nanda, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.769/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Bolangir(P), At-Badmal, PS: Saintala, Dist-Balangir.
5. Sri Srichandra Bhoi, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.770/17

1. Union of India, represented through its Secretary, Ministry of Defence, North Block, Central Secretariat, New Delhi.
2. Director of General, Indian Ordnance Factory, S. K. Bose Road, Kolkata (West Bengal).
3. General Manager, Indian Ordnance Factory, Bolangir(P), At. Badmal, PO: Gandapatrapalli, PS: Saintala, Dist-Balangir.
4. Works Manager, Indian Ordnance Factory, Bolangir(P), At-Badmal, PS: Saintala, Dist-Balangir.
5. Ganesh Chandra Dora, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.771/17

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4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PS: Saintala, Dist-Balangir.
5. Sailesh Tiwari, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

OA No.772/17

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4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PS: Saintala, Dist-Balangir.
5. Sri Chandra Bhoi, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

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4. Works Manager, Indian Ordnance Factory, Balangir(P), At-Badmal, PS: Saintala, Dist-Balangir.
5. Lemburaj Mohananda, DBW HS-1 Indian Ordnance Factory, Bolangir(P), At. Badmal, PS: Saintala, Dist-Balangir.

.....Respondents.

For the applicant: Mr. N. Lenka, Counsel (for all the OAs in this batch)

For the respondents: Mr. G. R. Verma, Counsel(OA Nos. 603, 703 & 770 of 2017)
 Mr. S. Behera, Counsel (OA Nos. 601 & 764 of 2017)
 Mr. A. K. Mohapatra, Counsel(OA Nos. 602, 705 & 771 of 2017)
 Mr. P. K. Mohanty, Counsel (OA Nos. 453 & 605 of 2017)
 Mr. A. C. Deo, Counsel (OA Nos. 606, 709 & 772 of 2017)
 Mr. P. K. Mohanty, Counsel (OA Nos. 607 & 708 of 2017)
 Mr. B. R. Mohapatra, Counsel (OA No. 608 of 2017)
 Mr. D. K. Mallick, Counsel (OA No. 609 of 2017)
 Mr. C.M. Singh, Counsel (OA Nos. 610, 704 & 766 of 2017)
 Mr. J. K. Nayak, Counsel (OA Nos. 604, 700 & 765 of 2017)
 Mr. S. B. Mohanty, Counsel (OA No. 701 of 2017)
 Mr. B. P. Nayak, Counsel (OA Nos. 702 & 767 of 2017)
 Mr. M. R. Mohanty, Counsel (OA Nos. 706 & 768 of 2017)
 Mr. B. Swain, Counsel (OA Nos. 707 & 769 of 2017)

Mr. A. Pradhan, Counsel (OA No. 773 of 2017)

Heard & reserved on : 17.1.2020

Order on : 31.1.2020

O R D E R

Per Mr.Gokul Chandra Pati, Member (A)

The dispute in all the OAs in this batch and the reliefs sought for by the applicants of these OAs, being similar, all these OAs were heard together and are being disposed by this common order. For the purpose of this order, the facts and circumstances of the OA No. 703/2017 are considered.

OA No. 703/2017

2. The applicant in this OA was initially appointed through direct recruitment as a Danger Building Worker (in short DBW) under the respondent no.3 since 9.1.1998 and was promoted to HS Grade-I from 1.1.2006. The draft seniority list for the DBWs working under the respondent no.3 was prepared and circulated according to the date of joining. The applicant is aggrieved since a show cause notice dated 31.3.2017 (Annexure-A/2) has been issued to the applicant for placing some other DBWs above him in the seniority list whom the applicant considers to be his junior. The applicant submitted the reply dated 15.4.2017 (Annexure-A/3) to the show cause notice, which was not accepted by the respondents who passed the order dated 10.6.2017 (Annexure-A/4) accordingly. Being aggrieved, the applicant has filed this OA seeking the following reliefs (para 8 of the OA):-

- “(i) The order No. 2032/seniority/DBW/LB/71 dated 10.6.2017 under Annexure A/4, the show cause notice dated 31.3.2017 under Annexure A/2 so far as the final gradation list dated 26.9.2017 vide Annexure A/7 so far as the applicant is concerned be quashed and his seniority be maintained as per the gradation list vide Annexure A/1.
- (ii) And grant any other relief(s) the applicant entitled to and also pass such other order/orders as may be deemed fit and proper for the interest of justice.”

3. The grounds advanced in the OA are that the impugned order dated 10.6.2017 (A/4) and the consequent gradation list dated 26.9.2017 (Annexure-A/7) violate the circular dated 7.1.2016 of the Ministry of Defence (Annexure-A/5) and hence, these are not sustainable. It is further averred that the settled law that the settled position of seniority cannot be unsettled after a long lapse of time, has been deviated in this case. It is also stated that the order dated 10.6.2017 and the gradation list dated 26.9.2017 at Annexure-A/7 of the OA are discriminatory by placing the persons joining service after the applicant higher in the said list and that the principles of natural justice have not been adhered to since the applicant's reply was rejected in a perfunctory manner.

4. Counter filed by the respondents opposing the OA stated that there are 32 OAs filed by the employees praying for the same relief for which, it was suggested that all these OAs be listed and heard together for analogous hearing. It is averred that the seniority of the employees in a cadre is governed by the Department of Personnel and Training (in short DOPT) OM dated 3.7.2016 (Annexure-R/1 of the Counter) and 4.11.1992 (Annexure-R/2) and the SROs at Annexure- R/3 and R/4. It is averred in the Counter that action taken by the respondents like issue of the show cause notice dated 31.3.2017 (A/2) for rectifying the seniority list and of the order dated 10.6.2017 (A/4) rejecting the representation of the applicant and the final gradation list dated 26.9.2017 are as per the DOPT OM's referred above. It is also stated that the Union representatives had raised the issue of seniority, on which, a clarification dated 17.8.2017 (Annexure-R/5) was issued by the Ordnance Factory Board (in short OFB), which has not been disclosed by the applicant in the OA. It is stated in the letter dated 17.8.2017 that "if there is any discrepancy due to non-implementation of relevant SRO provisions, such seniority cannot be treated as settled seniority....." It is also averred that the seniority cannot be treated as settled seniority and its revision was necessary as it was not prepared as per the DOPT instructions.

5. A common Rejoinder has been filed by the applicants in all the OAs in this batch including for OA No. 703/2017, mainly reiterating the contentions in the OA that the impugned orders were not sustainable in view of the Board circular dated 7.1.2016 (Annexure-A/5) and denying the contention in the Counter that the seniority in this case cannot be treated as settled. It is stated that the seniority fixed for more than 20 years cannot be treated as unsettled. It is averred that as per the circular dated 4.8.2015 (Annexure-R/6), the seniority is to be fixed as per the DOPT circulars applicable prospectively from 4.8.2015 as clarified in the circular dated 7.1.2016 (Annexure-A/5). It is averred that the action of the respondents violated the circular dated 7.1.2016. In para 11 of the Rejoinder, it is stated that the respondents have committed irregularities since 1997 when in the recruitment for the post of DBW, 463 candidates were selected out of which, 173 joined in service. Other candidates out of 463 were treated as appointees of 1998 although they were adjusted against vacancies for subsequent years and they cannot be placed above the applicants.

6. Heard learned counsels for both the parties, who reiterated their respective pleadings on record. **The question to be decided is whether the seniority of the applicants in these cases as per the draft seniority list at Annexure-A/1 can be considered to be settled which cannot be unsettled**

or modified in the light of the circulars dated 4.8.2015 (Annexure-R/6) and 7.1.2016 (Annexure-A/5) of the respondents.

7. Learned counsel for the applicant has filed a common Written Note of Arguments for all the OAs in this batch, reiterating the contentions made in the OA on behalf of the applicant. It is stated that the applicants had joined as DBW earlier than the employees who have been placed higher in the seniority list. Two orders of the Tribunal in two OAs have been cited in the Written Note of Arguments i.e. order dated 24.3.2015 passed in OA No. 206/2012 (Prasanta Kumar Thakur vs. Secretary to Govt. of India & others) and order dated 24.3.2015 passed in the OA NO. 207/2012 (Rajesh Ranjan Nayak vs. Secretary to Govt. of India & others) in which the applicants in those OAs had filed the OAs to challenge higher seniority of the applicant. Those OAs were dismissed and the orders were not challenged. It is stated that the seniority of those two employees who had filed the OAs unsuccessfully, is now being placed above the applicants, which was not permissible.

8. Learned counsel for the respondents filed Written Note of Submissions stating that the seniority list maintained by the respondents violated the SRO provisions as stated in the Counter and it was necessary to rectify the same. It is stated that the applicant has challenged the changes in seniority due to delay in such changes and they have not challenged the principles.

9. Having regard to the pleadings as well as the submissions by both the parties, it is noticed that the only document by which the applicant's claim that he is senior to other employees mentioned in the show cause notice dated 31.3.2017, is based on the gradation list as on 1.1.2016 (Annexure-A/1 of the OA). No other document has been furnished by the applicant in this OA in support of his contention in the OA that the applicant is senior to the persons whom the respondents consider to be senior as per the DOPT OM dated 3.7.1986 (R/1) and 4.11.1992 (R/2). Perusal of the seniority list of the DBWs as on 1.1.2016 at Annexure-A/1 of the OA shows that it is a draft seniority list. The applicant claims that his seniority position shown in the draft seniority list as on 1.1.2016 is the correct seniority based on the date of joining and it is wrong to modify the same subsequently as the settled position of seniority cannot be unsettled and in view of the circular dated 7.1.2016 (A/5).

10. Perusal of the order dated 26.9.2017 (Annexure-A/7) by which, the final seniority list has been circulated, reveals that a draft seniority list was circulated on 21.7.2017 giving 14 days time to the employees to submit representation within 14 days time. After disposing of the representations, the final seniority list was circulated on 26.9.2017. Though the applicant claims

that his seniority position was well settled, but no document has been furnished by him to show that the seniority as on 1.1.2016 at Annexure-A/1 is the settled seniority which was finalized earlier. No finalized seniority list prior to 1.1.2016 was furnished to substantiate the applicant's claims. In fact the seniority list at Annexure-A/1 as on 1.1.2016 is a draft seniority list which cannot be taken as final. In absence of any document, it is difficult to accept the contention of the applicant that the list at Annexure-A/1 is a settled seniority, which are being unsettled by issuing the show cause notice dated 31.3.2017 (Annexure-A/2).

11. The seniority list dated 26.9.2017 (Annexure-A/7) has been finalized based on circulation of draft seniority on 21.7.2017 after inviting representations from affected employees within 14 days. The applicant has not mentioned whether he had submitted any representation in response to the draft seniority list on 21.7.2017, which was necessary for him to do so in spite of the fact that his earlier representation dated 15.4.2017 was rejected vide order dated 10.6.2017 (Annexure-A/4). There is nothing on record to show that the applicant had objected to the draft seniority list as on 21.7.2017 referred to in the order at Annexure-A/7 and if he had objected, then the details of the same have not been furnished in the applicant's pleadings.

12. The respondents have averred that they have followed the the SRO dated 6.7.1989 (Annexure-R/3) and the SRO dated 1.11.1994 (Annexure-R/4) and DOPT OM's dated 3.7.1986 (Annexure-R/1), dated 4.11.1992 (Annexure-R/2), while finalizing the seniority list dated 26.9.2017 (Annexure-A/7). Further, the circular dated 17.8.2017 (Annexure-R/5) has been cited by the respondents to contend that if the seniority list is not as per the DOPT circulars or the SROs then the seniority cannot be treated as settled.

13. The circular dated 4.8.2015 stated that the seniority of the employees will be governed as per the DOPT OM's dated 4.11.1992 and 3.7.1986 and the OFB circulars on the subject were withdrawn. It is further stated in circular dated 4.8.2015 as under:-

“..... Accordingly, promotion from Skilled to Highly Skilled Grade-II will be made as per the seniority fixed for Semi-skilled grade (entry grade) which will be arrived at as per merit of the select panel, without any linkage to the date of up-gradation to the Skilled Grade.

It may so happen that a person lower in the merit list of recruitment (in Semi-skilled grade) joins earlier due to early clearances of PVR. In such case, the person lower in the merit list will complete his/her qualifying service and be up-graded to Skilled Grade on earlier date as compared to a person higher in the merit list. However, person higher in the merit list will not lose his seniority and will be placed above the person lower in the merit list after getting up-gradation to Skilled Grade.”

14. It was clarified in the circular dated 7.1.2016 that the circular dated 4.8.2015 will not have retrospective effect, by stating as under:-

“Reference is drawn to the above referred OFB Circular wherein instructions were issued by OFB for determination of seniority in connection with Direct Recruitment in the Industrial Establishment. It has since been brought to the notice of O.F.Board that some factories are initiating action for recasting the seniority position from retrospective effect.

In this connection it is hereby clarified that the Hon'ble Supreme Court in a catena of cases has held that **'cases of settled seniority cannot be unsettled after a long lapse of time'**.

Any action on behalf of the factories from retrospective effect will lead to massive upheaval in settled seniority position and litigations by affected employees, which will be against the spirit of the principles laid down by the Hon'ble supreme Court in various cases. Thus the above instructions are to be implemented only in cases of recruitment taking place in Semi-skilled grade on or after the date of issue of the circular of even number dated 04.08.2015, without recasting of seniority with retrospective effect prior to 04.08.2015.”

Further, the circular dated 17.8.2017 (Annexure-R/5) was issued by the respondent No. 2, clarifying as under:-

“This has reference to the above cited OFBOL letter. It is clarified that, the seniority of Industrial Employees will be counted from the semi-skilled grade without any linkage to skilled date w.e.f. 04.08.2015 in accordance with OFB letter No.Per/I/Seniority/2015-16 dated 04.08.2015.

Prior to issue of this letter, seniority of IEs should be counted from the date of skilled grade as per OFB letter No. 590/OFBOL/A/I dated 24.12.2002 and not from the date of induction/entry/promotion in the semi-skilled grade.

However, provisions contained in relevant SROs cannot be ignored at any time hence, Foot Note No. 14 and other provisions contained in SRO 18E of 1989 and 185 of 1994 should be taken in to account whenever a junior employee is considered for selection for promotion and senior employee has completed probationary period.

It is further reiterated that if there is any discrepancy due to non-implementation of relevant SRO provisions, such seniority cannot be treated as settled seniority and necessary action should be taken by cadre controlling authority to remove the discrepancy as per rules.”

15. From the circulars/clarifications of the respondent No. 2 as extracted above, it is clear that the circular dated 4.8.2015 will not have retrospective effect except that when the provisions of the SRO 18E of 1989 (R/3) and 185 of 1994 (R/4) were not implemented, the seniority cannot be treated as settled seniority and it can be corrected by the cadre controlling authority. **Since the circulars as discussed above have not been impugned in this OA, the modifications of the seniority list as on 1.1.2016 (A/1) as mentioned in the show cause notice at Annexure-A/2 (in which the grounds mentioned indicate that the SRO provisions were not implemented in respect of seniority of the persons named in the notice at Annexure-A/2) are permissible to remove discrepancies due to non-implementation of the SRO provisions as per the circular dated 17.8.2017 (Annexure-R/5).**

16. In reply to the applicant's ground that the seniority list at Annexure-A/7 is not as per the circular dated 7.1.2016 (Annexure-A/5), based on the ratio of the judgment of Hon'ble Apex Court that the 'cases of settled seniority cannot be unsettled after a long lapse of time', the respondents in para 18 of the Counter have stated that there was no violation of the circular dated 7.1.2016 while finalizing the seniority list at Annexure-A/7. The applicant in para 8 of the Rejoinder denies it by stating that when the seniority is being revised for more than 20 years, it is wrong to say that the circular dated 7.1.2016 is not violated. As discussed earlier, the applicant has not furnished any document except the draft seniority list dated 1.1.2016 (A/1), to show that the applicant was senior to the persons mentioned in the show cause notice dated 10.4.2017 (Annexure-A/2). There is also nothing on record to support the contention in the OA that the action of the respondents to circulate the seniority list dated 26.9.2017 (Annexure-A/7) after disposing of the representations from the persons who had objected to the same, had actually unsettled the settled seniority position of the applicant and it was done in violation of the circular dated 7.1.2016. Hence, based on the materials available on record, it is difficult to accept the averment of the applicant that the action of the respondents to finalize the seniority list at Annexure-A/7 amounted to a violation of the circular dated 7.1.1986 (Annexure-A/5) since as discussed earlier, modification of the seniority position can be done as per the circular dated 17.8.2017 (Annexure-R/5).

17. The applicant has also stated in the OA that the reply to show cause notice was rejected perfunctorily, for which there is a violation of the principles of natural justice. It is seen from the reply at Annexure-A/3 that the applicant has not furnished any document in support of the claim that his seniority as DWK was finalized any time prior to 1.1.2016, although he has stated that subsequent to the seniority list 24.9.2002, the seniority list was changed in which he was placed higher than others whose names are there in the show cause notice, without furnishing copy of such seniority list (except the draft seniority list as on 1.1.2016 at Annexure-A/1), in which the applicant has been shown as senior. Other ground mentioned at Annexure-A/3 that raising the issue of seniority now is time-barred, without explaining how it is so. The points raised in the reply of the applicant at Annexure-A/3 have been examined in the order dated 10.6.2017 (Annexure-A/4), for which, it cannot be said that the reply was rejected perfunctorily.

18. Lastly, the orders of the Tribunal in OA Nos. 206 and 207 of 2012 were referred to in the Written Note submitted by the applicants' counsel. In OA No. 206/2012, the applicant was claiming seniority vis-a-vis some other employees

who were shown to be senior to the applicant in OA 206/12 in the seniority list published in 2003, which was not challenged by the applicant in OA 206/12 (as observed in para 11 of the Tribunal's order in OA 206/12). In the seniority list of DBWs as on 1.1.2001, copy of which was furnished by the respondents' counsel in OA No. 390/2017, revealed that Sri Sibaram Sahu, applicant in OA No. 703/17, was placed at serial no. 98 of the seniority list, where as the persons named in the show cause notice at Annexure-A/2 to be senior to the applicant, were placed at higher position in the seniority list as on 1.1.2001. Further, the circulars dated 4.8.2015, 7.1.2016 and 17.8.2017 of the Ordnance Factory Board were not considered by the Tribunal while passing orders in OA No. 206 and 207 of 2012. Hence, we are of the opinion that the cited judgments are factually distinguishable and the same will not be helpful for the applicant's case in the present OA.

19. For the reasons discussed above, the question framed at paragraph 6 of this order is answered in negative and the seniority of the applicant as per the draft seniority list dated 1.1.2016 (Annexure-A/1) cannot be considered to be settled. The grounds furnished by the applicant in this OA are not sufficient to justify any interference of this Tribunal in the matter. The OA No. 703/2017 is accordingly dismissed.

20. Since other OAs in this batch are similarly placed as the OA No. 703/2017, all these OAs in the batch are also dismissed like the OA No. 703/2017. There will be no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)