

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

O.A.210/0033/2020

Date of decision : January 09, 2020.

Coram: Dr. Bhagwan Sahai, Member (Administrative)
R.N. Singh, Member (Judicial).

Shri Machindra Ananda Karande,
Working as Chowkidar Token No.1034,
Station Workshop EME, Colaba,
Mumbai - 400 005.

Presently residing at
CGS Colony, Building No.2,
Room No.16, Sector 03, Kane Nagar,
Opp. CGS Post Office, Antop Hill,
Wadala, Mumbai - 400 037. .. Applicant.

(By Advocate Shri Ulhas Shinde).

Versus

1. Union of India, through
The Secretary,
Govt. Of India,
Ministry of Defence, South Block,
New Delhi - 110 011.
2. The Director General of EME,
'B' Block Hutsments,
Near South Block,
New Delhi - 110 001.
3. The Commandant,
EME Records,
PIN-900453,
C/o 56 APO,
Secunderabad.
4. The Station Workshop EM,
PIN - 900 497
C/o 56 APO.
5. The Commanding Officer,
Station Workshop EME,
Colaba, Mumbai - 400 005. .. Respondents.

Order (Oral)
Per : R.N. Singh, Member (J).

The applicant who is working as Chowkidar under the respondents has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- "a) To direct the Respondents to hold the Departmental Examination from Gr.C Staff for filling up vacancies of L.H.(N.T) through DPC.
- b) To direct the Respondents to convene D.P.C. Meeting, and prepare select panels of Group 'C' employees found eligible for promotion to L.H.(N.T) as per Rules of 1977 by preparing select panels for vacancies of L.H.(N.T) for each year separately from the year 2015-16 the DPC is not held and till the year 2018-19, as per D.P.C. Rules.
- c) To consider Applicant for promotion to L.H.(N.T) and if found fit to promote him to L.H.(NT) post on the basis of select panel, in which he is empanelled.
- d) To grant all consequential benefits, to the Applicant.
- e) Cost of this application be saddled on the Respondents.
- f) Any other relief as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case."

2. The applicant on being aggrieved of the fact that inspite of there being vacancies available in the post of Leading Hand(Non-Tech), a promotional post for the post of Chowkidar, the applicant has not been considered and promoted, although his juniors have been promoted. The learned counsel for the applicant submits that on

being so aggrieved, the applicant has preferred a detailed representation dt. 08.09.2018 (Annexure A-5) to the respondents for redressal of his grievances. Such representation was responded to by the respondents vide their letter dt. 12.11.2018 (Annexure A-6) informing him that one Mr. Gaya Prasad, his junior, was considered for the panel year 2015-16, as his service particulars, duly recommended by OC/CO was received when called for whereas the service particulars of the applicant ~~was~~ ^{were} not received from the concerned office. Thereafter, the applicant has preferred further representation dt. 20.09.2018 through the applicant's union and followed by another representation dt. 02.05.2019 (Annexure A-12). However, the same have not been responded to till date.

3. In the aforesaid facts and circumstances, the learned counsel for the applicant submits that the applicant shall be satisfied if the present OA is disposed of with a direction to the respondents to consider the applicant's aforesaid representation dt. 02.05.2019 (Annexure A-12) and to dispose of the same in a time-bound manner.

4. In the facts and circumstances, we are of the considered view that if such request of the learned counsel for the applicant is accepted, no

prejudice is likely to be caused to the respondents.

5. In the aforesaid facts and circumstances, without going into the merit of claim of the applicant, the OA is disposed of with directions to the respondents to consider the applicant's aforesaid representation dt. 02.05.2019(Annexure A-12) and to dispose of the same as expeditiously as possible and in any case within 12 weeks of receipt of a certified copy of this order.

6. The OA is disposed of in the aforesaid terms, however, no costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A).

Ram.

JD
10/01/20