

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/00669/2015

Dated this Tuesday, the 04th day of February, 2020

**CORAM : DR. BHAGWAN SAHAI, MEMBER (A)
R.N.SINGH, MEMBER (J)**

1. The Naval Employees Union through its General Secretary Shri Rajendra Kumar Singh having its office at 162/6, Jijina Mansion, Modi Street, Fort, Mumbai 400 001.
2. Shri A.A. Kakade, Foreman of Transport, Sector No.1, Room No.858, Navi Mumbai 400 709.
3. Shri R.S. Deniz, Foreman of Transport, P/16/1 SPDC Colony, Sion Trombay Road, Mankhurd, Mumbai – 88.
4. R.K.Shakyawar, Foreman of Transport, Talwar Camp, R/No.13/23, Woodhouse Road, Colaba, Mumbai – 05-Applicants
(By Advocate Shri Kartikeya Bahadur proxy counsel for Shri Zaman Ali)

Versus

1. Union of India through The Secretary, Ministry of Defence, South Block, New Delhi 110 011.
2. The Chief of Naval Staff, Ministry of Defence Headquarters, South Block, New Delhi 110 011.
3. The Flag Officer Commanding-in-Chief, Western Naval Command, Tiger Gate, Naval Dockyard, Mumbai 400 023.
4. Commander in Charge, Tiger Gate, Naval Dockyard, Mumbai 400 023. - Respondents
(By Advocate Shri R.R.Shetty)

ORAL ORDER

Per : R.N.Singh, Member (A)

The applicants have filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“8.1. This Hon'ble Tribunal be pleased to quash and set aside the Correspondence of the Ministry of Defence dated 1st May 2015 at A1.

8.2. This Hon'ble Tribunal be pleased to quash and set aside the Correspondence of the Western Naval Command dated 14th July 2015 at A2.

8.3. This Hon'ble Tribunal be pleased to quash and set aside the Correspondence of the Commander in Charge dated 15th July 2015 at A3."

2. The grievances of the applicants are that the Foreman is a promotional post for the Civilian Motor Driver (Selection Grade) and the applicants who have been promoted as Foreman are required to be assigned the job of Foreman only as the same is the Supervisory post for the Civilian Motor Driver (Selection Grade). However, after the merger of the cadre, in view of the impugned order, the respondents have re-designated the applicants as Civilian Motor Driver (Selection Grade) and they are likely to be assigned the job of Civilian Motor Driver which is causing hardship/heart burning in view of the fact that in capacity of Foreman the applicants are supervising the job of Civilian Motor Driver (Selection Grade).

3. In response to the notice from the Tribunal, the respondents have filed their reply and they have submitted that the merger of Civilian Motor Driver (Selection Grade), Foreman Transport and Motor Transport Supervisors has been ordered and the merged post has been re-designated as

Civilian Motor Driver (Selection Grade).

However, the persons who have been working in the supervisory capacity are not being assigned the job of the post(s) which were supervised by them. In this regard, the learned counsel for the respondents has specifically invited our attention to paragraph No.11 of their reply affidavit (page Nos.143 and 144) which reads as under :

"The merger of three posts (Foreman of Tpt, MT Supervisor and CMD (SG) and re-designated them as 'Civilian Motor Driver (SG)' is the policy decision taken by MoD in consultation with DoPT and Department of Expenditure upon implementation of the 6th CPC re-commendations. Further, MoD order dtd. 01 May 2016 (Encl 39A) is applicable across all the Defence establishments of three services and DGOF and not especially for Navy. The senior most CMD (SG) are detailed by Naval units to carry out the duties of Supervisors as was done earlier by erstwhile Foreman of Transport. Therefore, there is no change in duties of CMDs after adoption of new designation of CMD (SG) for the above three posts." Hereto annexed and marked as Exhibit R-2 is the copy of Opinion of DCP (Pay) dtd.30th Jan 2018."

4. In view of the aforesaid specific assertions made by the respondents in their reply, we are of the view that nothing survives in the OA. Accordingly, the OA is disposed of as having become infructuous. However, in the facts and circumstances, no order as to costs.

(R.N.Singh)
Member (Judicial)

(Dr. Bhagwan Sahai)
Member (Administrative)

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D-see

