

(24)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2090/2001

This the 3rd day of October, 2002.

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

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

Sushil Chand,
working as Telephone Operator,
Ordnance Factory, Muradnagar,
Ghaziabad-201206.

... Applicant

(By Shri Atul Sharma, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Defence,
Government of India,
New Delhi-110001.
2. Ordnance Factory Board
through its Chairman,
10-A, Shaheed Bhagat Singh Marg,
Calcutta.
3. General Manager,
Ordnance Factory, Muradnagar,
Distt. Ghaziabad-201206.
4. Anoop Kumar Mehra,
Chargeman Grade-II,
Ordnance Factory, Muradnagar,
Distt. Ghaziabad.

... Respondents

(By Shri S. Mohd. Arif, Advocate)

O R D E R

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

Applicant is working as Telephone Operator E/M
Highly Skilled Grade-II with respondent No.3
organisation. According to him, he is a qualified
Wireman who has passed the Electrical Supervisory
Competency Test from U.P. and also passed Electrical
Supervisory Competency Test (Electrical) DGOF in 1988.
However, respondents have arbitrarily vide order dated
6.4.2001 (Annexure P-1) promoted respondent No.4, Shri

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Anoop Kumar Mehra, from the post of Fitter Refrigeration (HS-II) to the post of Chargeman-II (Electrical). Applicant has sought quashing and setting aside of the order dated 6.4.2001 whereby respondent No.4 was promoted to the post of Chargeman-II (Electrical).

2. The learned counsel of applicant stated that applicant though working as Telephone Operator HS-II, worked as Wireman from 1975 to 1979 and held a Wireman permit issued by the U.P. Electrical Department, he had passed the competency test held by DGOF, Calcutta in 1988. It is further stated that respondent No.4 was a Fitter Refrigeration HS-II and drew the same pay scale as applicant, therefore, he too should not have been promoted.

3. On the other hand, the learned counsel of respondents stated that applicant who was initially appointed as temporary Wireman (semi skilled) was subsequently promoted to the post of Telephone Operator Gr.-II w.e.f. 2.4.1979. As per recruitment rules, the next line of promotion for applicant is Telephone Operator Gr.-I in the scale of Rs.4000-6000 and from Telephone Operator Grade-I, the next line of promotion is Chargeman-II (NT) in the pay scale of Rs.5000-8000. As there was no vacancy in the grade of Telephone Operator Grade-I, applicant could not be considered for promotion in that grade. However, he was granted financial upgradation in the pay scale of Rs.4000-6000 which is equivalent to the pay scale of Telephone Operator Grade-I, under the ACP Scheme. The learned counsel

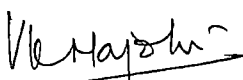
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stated that not only that a candidate ^{should} possess DGOF's Supervisory Competency Test Certificate, he should also be in the feeder grade to be promoted to the post of Chargeman-II (Technical/Electrical) within the laid down instructions and rules. As applicant has been working on the post of Telephone Operator Grade-II his line of promotion is Telephone Operator Grade-I and Chargeman-II (NT) and not Chargeman-II (Technical/Electrical). Qualifications for promotion to the post of Chargeman-II (Technical/Electrical) have been prescribed in circular No.13 dated 27.2.2001 which prescribed that all eligible candidates should qualify the Supervisory Electrical (General) Competency test conducted by OFB. However, possession of such a certificate would not entitle a person to be promoted to the post of Chargeman-II (Electrical) if he is not in the feeder grade of Electrician HS-II.

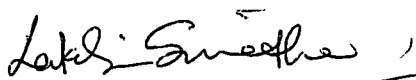
4. It is an admitted fact that applicant has been working as Telephone Operator HS-II and has a different line of promotion than Chargeman-II (Electrical). He may have passed DGOF's Supervisory Competency Test Certificate but according to respondents it is an additional requirement in the interest of safety for employees engaged in special works like telephony etc. Possession of such a qualification does not necessarily entitle a person to be promoted as Chargeman-II (Electrical) which is an entirely different line for which the feeder grade is different than Telephone Operator HS-II. Applicant has also been accorded benefit of ACP Scheme by financial upgradation to the pay scale

of Rs.4000-6000, which is equivalent to the pay scale of Telephone Operator Grade-I. It may be that respondent No.4 and applicant were in the same pay scale and had passed the DGOF's Supervisory Competency Test Certificate and it may be that respondent No.4 was erroneously promoted to the post of Chargeman-II (Tech/Elec), but this would not give any benefit to applicant who has been working in an entirely different trade, namely, Telephone Operator HS-II, the next line of promotion for which is Telephone Operator Grade-I and not Chargeman-II (Tech/Elec).

5. Having regard to the reasons discussed above, this OA is dismissed being devoid of merit. No costs.


(V. K. Majotra)
Member (A)

/as/


(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)