

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2489/99

New Delhi: this the 11th day of APRIL, 2001

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. A. K. Sachdeva,
S/o Lt. K. L. Sachdeva,
R/o D-10, Patel Nagar,
Dehradun (UP).

2. Rajesh Kumar Morya,
S/o Sh. P. D. Morya,
R/o 128, Dharampura,
Haridwar Road,
Dehradun (UP).

.....Applicants.

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India
through
the Secretary,
Ministry of Defence,
Govt. of India,
New Delhi.

2. General Manager,
Opto Electronics Factory,
Govt. of India,
Ministry of Defence,
Dehradun (UP)

.....Respondents.

(None appeared)

ORDER

S. R. Adige, VC (A):

Applicants who are Wiremen (skilled) working in Opto Electronics Factory, Dehradun, impugn respondents' order dated 15.3.99 (Annexure-A/1) and dated 7.4.99 (Annexure-A/2). They seek a direction to respondents to fill up the post of Wiremen in the ratio of 15: 20: 65 (HS-I; HS-II; and skilled) in compliance with SRO 185 as amended from time to time, with consequential benefits.

2. Applicants contend that at the time of issuing SRO 185 in 1994 the total strength of the cadre of Wiremen was 24 persons, in which 2 were in semi skilled category; 18 were in skilled category; and 3 in HS II

category, but till date SRO 185 of 1994 has not been implemented in as much as none have been promoted to HS-I, and applicants have not even been promoted to HS-II.

3. Respondents in their reply state that the sanctioned strength of Wiremen in Opto Electronics Factory, Dehradun is 11, though there are 21 persons working in that trade. This sanctioned strength is in accordance with functional requirements. It is said that the excess wiremen were sought to be absorbed as Electricians for which they were advised to appear in the competency test, but out of 15 skilled wiremen only 10 appeared of which only 2 passed. It is therefore stated that steps are being taken to transfer the excess wiremen to other ordnance factories.

4. We have heard applicants' counsel Shri Yogesh Sharma. None appeared for respondents. We have perused the materials on record and considered the matter carefully.

5. Applicants have no enforceable legal right to compel respondents to promote them. They have only a right to be considered for promotion if and when respondents are making promotion, provided they fulfil the eligibility qualification for the same.

6. We dispose of this OA with a direction to respondents to consider the claim of applicants for promotion to HS-II in accordance with rules and instructions if and when respondents are making such promotions, subject to applicants fulfilling the eligibility qualifications and coming within the zone of consideration for such promotion. No costs.

A. Vedavalli
(DR.A.VEDAVALLI)
MEMBER (J)

S. Radige
(S. RADIGE)
VICE CHAIRMAN (A)