

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1780/96

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri V.K.Majotra, Member(A)

New Delhi, this the 29th day of February, 2000

Shri Prem Prakash
r/o WX-230/1/B,
Ram Nagar Extn.,
Tilak Nagar
New Delhi-18.

... Applicant

(Applicant in person)

Vs.

Union of India through:

1. Secretary, Deptt. of Defence
Research & Development
Scientific Advisor to
Minister of Defence
South Block
New Delhi - 11.
2. Director of personnel, DRDO
Ministry of Defence
Sena Bhavan 'B' Wing
New Delhi - 11.
3. Director
Defence Science Centre
Metcalf House
Delhi - 54.
4. Shri Om Prakash
Tradesman 'A'
C/o Director
Defence Science Centre
Metcalf House
Delhi - 54.

... Respondents

(None)

O R D E R (Oral)

By Shri V.K.Majotra, M(A)

The applicant is aggrieved by the refusal of Respondents No.2 and 3 to promote him to the Grades of Tradesman 'B' and Tradesman 'A' while giving such promotions to his junior one Shri Om Prakash, Respondent No.4 herein, despite clear directions of Respondent No.1 vide Annexure/A-1 dated 1.7.1996 regarding restoration of seniority to the applicant

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with consequential benefits. The applicant claims that he was initially appointed as Tradesman 'C' (Electrician) in Vehicle Research & Development Establishment (in short VRDE), Trial Cell, Delhi Cantt. on 30.4.1984. He was transferred along with the post to Defence Science Centre, Delhi in public interest w.e.f. 1.1.1985 (Annexure/A-3). Respondent No.3, under whom the applicant was posted on transfer, assigned wrong seniority to the applicant. Instead of assigning him the correct position from 30.4.1984, i.e., the date of appointment in the seniority list of Tradesman 'C' grade, the applicant's seniority was shown from 1.1.1985, i.e, from the date of joining the Defence Science Centre in Delhi on transfer from the VRDE. The applicant made representation to Respondent No.3 on 16.5.1995, Annexure/A-5. His seniority was restored from 30.4.1984, i.e, from the date of his initial appointment, vide order dated 15.2.1996, Annexure/A-7. Thereupon the applicant made representation dated 15.2.1996 to Respondent No.3 for according consequential benefits on promotion at par with his junior Shri Om Prakash, Respondent No.4 herein. According to the applicant, the said Shri Om Prakash had been appointed w.e.f. 29.9.1984 vis-a-vis, the applicant who was appointed w.e.f. 30.4.1984 as Tradesman 'C' grade. The applicant made further representations dated ~~8.3.1996~~^{15.2.1996} and 8.3.1996. Respondent No.3 referred the matter of promotion of the applicant at par with his junior to Respondent No.2 vide letter dated 15.3.1996, Annexure/A-9. Respondent No.4 has been promoted to two higher grades and Respondent No.3 has recommended sanction of supernumerary posts w.e.f. 25.3.1992 and

1.12.1994 in the category of Tradesman Grade 'B' and Tradesman Grade 'A' respectively to accommodate the applicant for promotion\$ at par with his junior. However the applicant has not received the relief in that behalf. Applicant has sought to contend that review meetings of Departmental Promotion Committees should be held to consider his case for promotion to the grades of Tradesman 'B' and Tradesman 'A' w.e.f. 25.3.1992 and 1.12.1994 respectively. He had also asked for consequential benefits on promotion to two higher grades.

2. In the counter reply, the respondents have taken exception to the claim of the applicant on the ground that he had not preferred an appeal within the specified period of 45 days under Rule 25 of CCS (CCA) Rules, 1965. We find that the respondents have admitted that the applicant had joined service on 30.4.1984 as Tradesman 'C' (Electrician). Vide order No.Estt/1030/RD-Estt dated 31.12.1984, issued by Ministry of Defence, Research & Development Orgn, Directorate of Establishment had transferred the applicant along with the post to DSC. Although it does not specifically mention that the transfer of the applicant along with the post was in public interest, but it has also not stated that it was an act of compassion. We are inclined to accept that the applicant and the post ^{were} ~~was~~ transferred to DSC in public interest. Later on the respondents vide order dated 15.2.1996, Annexure/A-7 restored applicant's seniority as Tradesman 'C' w.e.f. 30.4.1984, i.e., from the date of his initial appointment. The respondents have admitted that they have been trying

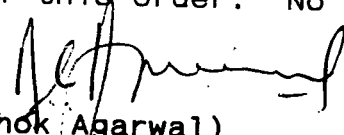
to resolve the problem in regard to his promotions on restoration of his seniority. The applicant has stated that he has been promoted as Tradesman 'B' w.e.f. 25.3.1995 instead of from the date his junior was promoted, i.e., 25.3.1992 and he has not been accorded promotion to Tradesman Grade 'A' at all.

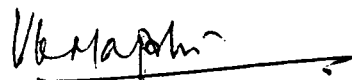
3. In the facts and circumstances of the case, we find that the respondents have assigned wrong seniority to the applicant which was later on restored to him w.e.f. 30.4.1984, i.e., from the date of his appointment and that Respondent No.4 who was junior to the applicant ~~who~~ had been promoted twice over in preference to the applicant on account of wrong assignment of seniority to the applicant. It would be only just and proper if the applicant is considered for promotion to Tradesman 'B' and Tradesman 'A' categories by holding review DPCs to consider applicant's claim for promotion to these categories from the date his junior, Respondent No.4 was promoted.

4. In view of the above discussion and reasons, the respondents are directed to convene the review meetings of the DPCs to consider the case of the applicant for promotion to grades of Tradesman 'B' and Tradesman 'A' w.e.f. 25.3.1992 and 1.12.1994 respectively, i.e., the dates when his junior, Respondent No.4 was promoted. The applicant should also be given consequential benefits accruing from the aforesaid promotions in the matter of seniority,

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monetary benefits, etc. that may be permitted under the Rules. The respondents should comply with these directions within a period of three months from the date of receipt of a copy of this order. No costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member(A)

29.2.2000

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