

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.No.1324/97
M.A.No.1375/97

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, this the 5th day of July, 2000

1. Bachan Lal s/o Shri Inderjeet Labourer, S1.No.2650 T.No.3271, Posted as Mill Right in Ordnance Factory, Muradnagar r/o H.No.C-533, Khyala, Vishnu Garden New Delhi.
2. Mahabir s/o Shri Kale r/o Village Ikhralsi Distt. Ghaziabad(UP) working as Millright Fitter in Ordnance Factory Muradabad (UP).
3. Bhagmal s/o Shri Chet Ram T.No.5623/ SMS, working as Mill Right in Ordnance Factory Muradnagar, Distt. Ghaziabad(UP).
4. Murarilal Sharma s/o Sh. Bhagmal T.No.324, M.M. working as Mill Right Fitter, Ordnance Factory, Muradnagar Ghaziabad, U.P.
5. Ram Kishan s/o Shri Jangira T.No.390 MM, working as Millright Fitter, Ordnance Factory Muradnagar, Ghaziabad(UP).
6. Kaak Singh s/o Shri Pitamber Singh T.No.4153/MPT, working as Millright Fitter, Ordnance Factory, Muradnagar Ghaziabad, UP.
7. Inderpal Sharma s/o Shri Hullasi Ram Sharma T.No.3269 MM, Millright Fitter Ordnance Factory Muradnagar Ghaziabad, UP.
8. Ram Singh s/o Balkaran Singh T.No.450/MM Millright Fitter, Ordnance Factory Muradnagar Ghaziabad (UP). ... Applicants

(By Shri A.K.Bhardwaj, Advocate)

vs.

1. Union of India through
The Secretary,
M/o Defence Production
Central Secretariate
New Delhi.

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2. The Director General/Chairman
Ordnance Factories (OFB)
No.10-A, Auckland Road
Calcutta (W.B.).
3. The General Manager
Ordnance Factory
Muradnagar,
Distt. Ghaziabad (UP).
4. The Joint Director/IR
Government of India
Ministry of Defence
Ordnance Factory Board
10-A, Auckland Road
Calcutta - 700 001.

... Respondents

(By Shri S.Mohd. Arif, Advocate)

O R D E R (Oral)

By Reddy. J.

The grievance of the applicants, who have been working as Mill Wright (i.e. Right man of the Mill) in the Ordnance Factory, Muradnagar since 1982, are that the respondents are not complying with the recommendations of the Guha Committee whereby a ratio of 15% : 20% : 65% in the posts of HS-I, HS-II and SK, respectively, were directed to be followed in all the factories in respect of each trade. It is the case of the applicants that in all other trades this categorisation has been observed whereas in Mill Wright it was not followed.

2. The case of the respondents is that as there are no vacancies for promotion of the applicants to the post of HS-I and HS-II, they were not promoted and they would be considered for promotion in accordance with their seniority depending upon the availability of the vacancies. It is also stated that as the applicants are holding the trade of Mill Wright and they will have to be promoted to the vacancies lying in the Mill Wright depending upon their



seniority. The contention that there is no promotional policy in the Department was denied. The learned counsel for the respondents also raises a preliminary objection as to the limitation of filing this OA.

3. The question of limitation does not arise in this case. Though the policy was formulated in 1989 as the same has not been implemented, according to the applicants, it is open to the applicant to approach the Court till the same is implemented. It is a continuous cause of action. Therefore, the OA is not barred by limitation in this case.

4. We have considered the contentions raised in this case. It is not in dispute that the Guha Committee has made certain recommendations and suggestions allocating the posts after rationalisation gradewise. The grievance of the applicant is that these recommendations are not followed and that the applicants were not promoted to the post of HS-I and HS-II in accordance with the recommendations of the Guha Committee. Whereas the respondents submit that unless the vacancies arise the applicants cannot be promoted to the higher post. However, it is not clear in the counter whether such recommendations have been implemented by the respondents. According to the applicants, the Guha Committee recommendations have been implemented in all trades except Mill Wright.

5. In the circumstances, we direct the respondents to consider the cases of the applicants with reference to the recommendations of the Guha

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Committee and implement the same, if it has been implemented in all other trades, within three months from the date of receipt of a copy of this order.

6. With the above directions, this OA is disposed of. No costs.

Shanta S-

(SMT. SHANTA SHAstry)
MEMBER(A)

Unsignature

(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/