

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1296 OF 1994

New Delhi this the 7 th day of December 1994

Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. S.R. Adiga, Member (A)

1. Central Govt. Class IV
Employees Association
Branch: Central Electricity Authority
Sewa Bhavan, R.K.Puram,
New Delhi- 110 066 through its secretary.

2. Shri Banshi Dhar
Peon, Central Electricity Authority
Sewa Bhavan, R.K.Puram
New Delhi-110 066.

3. Shri Sita Ram Singh
Peon, Central Electricity Authority
Sewa Bhavan, R.K.Puram
New Delhi- 110 066.

.....Applicants.

(By Shri K.L.Bhandula, advocate)

Versus

1. Secretary to the Govt. of India
Ministry of Power, Shram Shakti Bhavan
Rafi Marg, New Delhi-110 001.

2. Secretary to the Govt. of India
Dept. of Personnel & Training
Ministry of Home Affairs
North Block, New Delhi.

3. The Chairman
Central Electricity Authority
Sewa Bhavan, R.K. Puram,
New Delhi-110 066.

.....Respondents.

(By Shri M.N. Sudan Advocate)

oral

ORDER (By Circulation)

Hon'ble Mr. J.P. Sharma, Member (J)

Central Govt. Class IV Employees Association alongwith the affected
applicants 2 & 3 jointly filed this application regarding promotion of
Group-D employees in the Ministry of Power to Group-C posts of the

(7)

Central Secretariat Clerical Service. The applicants' grievance is that the respondent No.1 who is the cadre authority for its participating units i.e. itself, Ministry of Non-Conventional Energy Sources and Central Electricity Authority have failed to prepare a common seniority list for promoting Group-D employees who are eligible for promotion to CSCS under 5% quota meant for educationally qualified employees having 5 years continuous service, and the respondents have given benefits to only their own employees.

2. It has come to light that in the Central Electricity Authority, there is no post of Jamadar. It is also known that there is ~~not~~ post of senior peon either ^{but} and only the posts of Dafty do exist.

3. The applicants' association therefore, has a grievance that in the other two contributing departments i.e. Ministry of Power itself as well as Ministry of Non-Conventional Energy Sources, persons who join as Group-D subsequently get promotions in that ministry to the higher grade of Group-D and they rank as senior. Since similar opportunities are not available to the applicants in the Central Electricity Authority, they remain junior irrespective of their length of service in Group-D.

4. After making unsuccessful representations which have not been replied to, the applicants have filed this application in June 1994 and prayed for grant of relief that a direction be issued to the respondents to prepare a common seniority list of Group-D employees of the participating units of eligible persons for promotion to the post of LDC (CSCS) against 5% quota, and DPC for promotion be held strictly in accordance with the provisions/instructions of the Govt. of India as laid down in the DoPT OM No. 16980 as amended by OM No. 24181.

(8)

5. On notice, the respondents contested this application and stated that they are adopting some established procedure laid down in the OM of 1980 with clarification in 1981. (Annexure IV to the application & Annexure-III of the counter).

6. We have heard learned counsel for the applicants Shri K.L. Bhandula. Shri Bhandula wants to challenge the OM's instructions which are prejudicial to the interests of the applicants, by filing a fresh application.

7. In view of this, this application is allowed to be withdrawn, and the applicants are allowed to file a fresh application as prayed for, according to law.

Costs on parties.

Adice
(S.R. ADICE)
MEMBER(A)

Sharma
(J.P. SHARMA)
MEMBER(J)

aa.