

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1683/2000

New Delhi, this the 24th day of September 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. M.P. SINGH, MEMBER (A)

Soram Singh
S/o Late Shri Paltu Singh
R/o 5/180, Amar Colony,
East Gokulpuri,
Shahdara,
Delhi.

(By Advocate: Shri R.K. Shukla)

... Applicant

V E R S U S

Union of India, through

1. Secretary
Ministry of Finance
North Block,
New Delhi.
2. Engineer-in-Chief (ENC Branch)
Army Hqrs., DHQ P.O.
Kashmer House,
New Delhi.
3. The Commander Works Engineer
29J, The Mall,
Meerut Cantt., U.P.

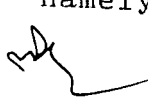
(By Advocate: Shri R.P. Aggarwal)

... Respondents

ORDER (ORAL)

By Shri M.P. Singh:

The applicant by filing this OA is claiming promotion to the post of Master Craftsman in the pay scale of Rs.4500-7000 w.e.f. 27.3.1999.

2. The brief facts of the present case are that the applicant was working as Carpenter Highly Skilled Grade-I under the respondents and has retired from service on superannuation on 31.3.2000. It is stated by the applicant that the persons juniors to him have been promoted, namely, Shri Dal Chand and Shri Ram Krishan
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working in the cadre of Mason HS-I and Painter HS-I respectively to the post of Master Craftsman. According to him, he has held the post of Highly Skilled Grade-I from 1987 till his retirement and he is senior to both the aforesaid persons. Therefore, the promotion to the post of Master Craftsman in the cadre of a Carpenter should have been made earlier than the one made in the cadre of Mason Highly Skilled Grade-I and Painter Highly Skilled Grade-I. Thus there has been violation of Articles 14 and 16 of the Constitution of India.

3. The respondents in their reply have stated that the number of posts in the grade of Master Craftsman in each trade shall be upto 10% of the total number of sanctioned posts of Highly Skilled Grade-I. Following this, each category is brought before the Departmental Selection Committee at command level and thus, Highly Skilled Grade-I are promoted to Master Craftsman on the recommendations of Departmental Selection Committee on the basis of merit-cum-seniority and also keeping in view the availability of vacancy in the particular trade. It is further stated by the respondents that Shri Dal Chand and Shri Ram Krishan, who have been promoted to the post of Master Craftsman vide order dated 7.5.1999, belong to the category of Mason (Highly Skilled Grade-I) and Painter (Highly Skilled Grade-I) respectively. They do not belong to the category of Carpenter. The applicant was a Carpenter Highly Skilled Grade-I and none of the person junior to him in that cadre has been promoted to the post of Master Craftsman.

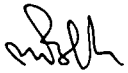
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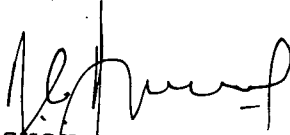
Hence, the allegation made by the applicant that the juniors have been promoted to the post of Master Craftsman is baseless and denied.

4. Heard the learned counsel for the rival contesting parties and perused the records.

5. After perusing the records, we find that both persons, namely, Shri Dal Chand and Shri Ram Kishan, who have been promoted belong to different cadre, i.e., Mason (Highly Skilled Grade-I) and Painter (Highly Skilled Grade-I). It is an admitted position that there cannot be inter-changability of the trade from Carpenter to Mason and Painter or vice-verse and, therefore, the applicant can claim seniority for promotion to the post of Master Craftsman in the trade of Carpenter only. It is also an admitted fact that no person junior to him ^{in the grade} of carpenter has been promoted to the post of Master Craftsman. Hence, the applicant has no claim for promotion to the post of Master Craftsman.

6. In view of the above position, OA is devoid of merit and is, accordingly, dismissed. No costs.


(M.P. SINGH)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

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