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Central Administrative Tribunal
Principal Bench, New Delhi.

D.A.1466/1989

New Delhi, This the 07th Day of April 1994

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

Hon'ble Shri S.R. Adige, Member(A)

Bir Singh S/o Shri Matru Singh
Ticket No. 3528, M.M. Section,
aged 42 Years, Ordnance Factory
Muradnagar, District Ghaziabad.

...Applicant

By Advocate Shri A Kalia

Versus
Union of India Through

1. The Secretary
Ministry of Defence
South Block
New Delhi -110011.

2. The Director General
Ordnance Factories,
Ministry of Defence
Ordnance Factories Board
10, A Auckland Road
Calcutta.

3. The General Manager
Ordnance Factory
Muradnagar
District Ghaziabad.

.....Respondents

By Advocate Shri V S R Krishna

ORDER(Oral)

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

1. The applicant joined the respondents as Boiler Attendant Grade C in 1978 and obtained quasi-permanency in the year 1981. The next channel of promotion for the applicant is from Boiler Attendant (C) to Boiler Attendant(A). But the applicant accepted promotion in another channel Boiler Fitter(B) after passing the trade test which is a technical post. This post carries the scale of Rs.950-1200. He was working in M.M. Section, Ordnance Factory, Muradnagar.

The applicant grievances stated when he was reverted to the initial post Boiler Attendant(C) for which he requested in writing by an application dated 7.8.1988. His request was turned down by the impugned order 28/29 Sept 88 stating that the reversion to the initial post of Boilder Attendant(SSK) is not possible at this stage. He again requested and that request was also turned down by the order dated 27.2.89 informing him that he has not been in the holding the post of Fitter(SK) Boiler) and further line of promotion Fitter highly skilled boiler in his seniority for promotion that grade will be as per the list of fitters in that Boiler attendants in the SK grade. Aggrieved by the same, the applicant filed this application in July 89 and his prayer for the grant of reliefs that the respondents be directed to promote the applicant to the post of Boiler Attendant (A) in the scale of Rs.1200-1500 by virtue of seniority from the date the applicant's junior has been promoted and the impugned order be struck down.

2. The respondents contested the application and opposed the grounds of relief and stated that having opted for the promotion to the post of Boiler Fitter in 1982 and having worked continuously for a period of six years on that post the applicant cannot now claim reversion to the initial post when that post does not exist at the relevant time. The promotion as Boilder Attendant (A) granted would not be because of the fact that only Boiler attendant grade C are promoted to that post and since the applicant has a different line of channel promotion in the Boiler Fitter side. So he could not be reverted to the initial post and as such cannot be promoted as Boilder Attendant grade(A).

3. We have heard the learned counsel for the applicant Shri A Kalia and Shri VSR Krishaa who appeared for the respondents. The learned counsel for the applicant agreed that at the relevant time no post of Boilder attendant C was in existence. The applicant also did not claim the relief before us. The applicant has in the application prayed that he should be given promotion to the grade of Boilder Attendant(A). It is not disputed by the learned counsel for the applicant that Boiler Attendant grade A does not come within the line of promotion of Boile~~r~~ Fitter Grade B. Fitter grade is different from the Boilder Attendant Grade(A). In view of this fact, the impugned order can not be ~~interfered~~ parted with.

4. Again the question arises whether after getting the promotion in the other channel from the initial post Boiler Attendant(C) can the applicant still claim that he should be reverted to the original post and be given promotion to Boile~~r~~ attendant grade A. This is not possible as the administrative instructions are contrary to this.

5. In view of these circumstances, the application has no merit and is dismissed as devoid of merit. No costs.

Adige
(S.R.ADIGE)
Member(A)

Sharma
(J.P.SHARMA)
Member(J)

LCP