Central Administrative Tribunal
Principal Bench, New Delhi.

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1. O.A.No.719 of 1988
2. O.A.No.720 of 1988
3. O.A.No.729 of 1988

22nd day of November 1993.

Shri C.J. Roy, Member (J)

Shri P.T. Thiruvengadam, Member(A)

1. Shri V.S. Rajora,
   G-52, Rajnagar,
   Palam Colony,
   New Delhi-110045. (In OA-719/88)

2. Shri Gurmukh Singh,
   M-292, Raghubir Nagar,
   New Delhi-110027. (In OA-720/88)

3. Shri Kartar Singh,
   IX-3366, Dharampura,
   Gandhi Nagar,
   Delhi-110031. (In OA-729/88)

Applicants

By Advocate Shri G.K. Srivastava.

Versus

1. The Director,
   Directorate of Quality
   Assurance (Armts)
   (Ministry of Defence)
   Deptt. of Defence Production,
   'H' Block, New Delhi.

2. The Director of Administration,
   Ministry of Defence
   (Deptt. of Defence Production),
   'H' Block, New Delhi.

3. The Controller,
   Controllorate of Quality
   Assurance (Ammn.),
   Kirkee(Pb.).

Respondents

By Advocate Shri M.L. Verma.

O R D E R

Shri P.T. Thiruvengadam

The issues raised and the reliefs claimed being similar, it will be convenient to combine the OAs.719,720 and 729 of 1988 and give a common order.

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2. The three applicants in these original applications were functioning as Highly Skilled Grade I Tradesmen in the Directorate of Quality Assurance (Ministry of Defence). It is their case that they were included in the panel/list of selected candidates for promotion as Supervisor (Tech.) according to their seniority. The applicants passed the necessary trade test held in the year 1985 for promotion as Technical Supervisor, but were then not promoted. They again passed the same trade test held in December, 1986. Still, they were not promoted, even though vacancies were available for promotion to the said posts.

3. The applicants concede that by order dated 27.10.1987, the posts of Technical Supervisor in the Directorate General, Quality Assurance organisation were redesignated as Chargemen Grade II with retrospective effect from 1st January, 1986. It is the case of the applicants that had they been promoted immediately at least ~~up to~~ the second Trade Test held in December, 1986, they would have had the benefit of being automatically redesignated as Chargemen Grade II. Instead, they were separately subjected to the Trade Test for filling up the posts of Chargeman Grade II in January, 1988. The applicants appeared in this Trade Test under protest since, in their view, the syllabi for the Trade Test for the posts of Supervisor (Tech.) and Chargeman Grade II are the same and the applicants having already qualified in the Trade Test for the former post, were not required to be subjected to another test.

4. While the matter stood thus, the applicants were advised by the Department vide letter No.G/225/1/Ad.III

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dated 7.12.1987 that consequent to redesignation of the posts of Supervisor (Tech.) as Chargeman Grade II w.e.f. 1.1.1986, the qualifying Trade Test held in December, 1986 for transfer of Highly Skilled Grade I Tradesmen to the posts of Supervisor (Tech.) was being treated as null and void. Against this, the applicants represented to the Department that they should be promoted to the posts of Supervisor (Tech.)/Chargeman Grade II from the date they had qualified in the Trade Test in December, 1986. This representation was rejected by the department on 30.1.1988 and aggrieved by this, these OAs have been filed with prayers for the following reliefs:-

(i) that the impugned order dated 30.1.1988 may kindly be quashed;

(ii) the respondents may kindly be ordered to promote the applicants to the post of Chargeman, Grade II on the basis of Panel prepared in the year 1985, or alternatively, on the basis of the panel prepared in 1986-87 of successful candidates who qualified the Trade Test held for promotion to the post of Supervisor (Tech.) which has now been redesignated as Chargeman, Grade II with all consequential benefits of seniority, fixation and payment of pay and allowances in the said post with retrospective effect.

5. The case of the respondents is that the posts of Supervisor (Tech.) were being filled in the following manner:-

> "50% vacancies by transfer of Highly Skilled Gr.I (Rs.380-560) Tradesman, failing which by promotion of Highly Skilled Gr.II (330-480) Tradesman, failing both by direct recruitment and 50% by direct recruitment."

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The method of filling up the posts by transfer of Highly Skilled Grade I Tradesmen was by subjecting the candidates to a qualifying Trade Test. After the holding of the Trade Test, inter se seniority list of the successful candidates would be made along with vacancies statement, obtaining vigilance cledarance, etc. Thereafter, a Departmental Promotion Committee would be convened which would take into account the overall performance and service records before ordering the 'transfer' of Highly Skilled Grade I (Rs.380-560) Tradesmen to the post of Supervisor (Tech.) in the pay-scale of Rs.380-560. The stand of the department is that though the pay-scale of the two posts is identical, yet the posts are not equivalent because the status of Supervisor (Tech.) is non-gazetted (Tech.), whereas the status of Highly Skilled Grade I Tradesman, is as an industrial worker and thus, the word 'transfer' carries the meaning of promotion from Tradesman industrial post to non-gazetted Technical Supervisor post. In the relevant recruitment rules - SRO No.269/85, the setting up of a D.P.C. has been envisaged for the purpose of filling up the posts of Supervisor (Tech.), whether by way of transfer or by promotion from the lower grade.

6. The applicants appeared in the qualifying Trade Test for the post of Supervisor (Tech.) in the year 1985, but their positions in the inter-se seniority list (for all the three applicants) were such that they could not be included in the final D.P.C. lists which are to match the vacancy reuirement. As regards the subsequent qualifying test held in December, 1986, the follow-up D.P.C. was not held due to the abolition of the posts of Supervisor (Tech.) and redesignation of these posts as Chargeman,Gr.II

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w.e.f. 1.1.1986. Thus, the respondents have denied that the applicants were not promoted to the posts of Supervisor (Tech.) even though vacancies were available for promotion.

7. As regards the contention that the syllabi for the posts of Supervisor (Tech.) and Chargemen Gr.II is the same, in the reply affidavit, it has been stated that this position is not correct. It has also been added that the posts of Chargeman Gr.II are to be filled by a process of selection as distinct from the earlier method of filling up of the posts of Supervisor (Tech.) by transfer.

8. It was then urged by the learned counsel for the applicants that as per the Department of Personnel & A.R.'s notification dated 8.2.1992, there should be no limit to the period of validity of the list of selected candidates It is the case of the applicant that having qualified in the Trade Tests in December, 1985 and 1986, such qualification should entitle them for consideration for vacancies which arose in 1986. This stand has been refuted by the applicants on two grounds, viz., that the said DOP notification pertains only to lists relating to direct recruitment or departmental competitive examinations and also there could be no vacancies of Supervisor (Tech.) after 1.1.1986 since from this date, these posts were abolished. We are satisfied with the explanation given by the respondents.

9. In the circumstances of the case, the O.As. are dismissed. No costs.

(P.T. Thiruvengadam)
Member(A)

(C.J. Roy)
Memberd(J)

22/11/93

SLP

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Date 24/11/93

अनुभाग अधिकारी
Section Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रधान पीठ, इलाहाबाद
Principal Bench, Allahabad