

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.971/88

Date of Decision: 8.10.93

Shri C.L. Sharma

Applicant

Versus

Union of India

Respondents

Shri O.P. Sood

Counsel for the applicant

Ms. Pratima Mittal

proxy counsel for

Shri K.C. Mittal

Counsel for the respondents

CORAM:

Shri C.J. ROY, Hon. Member(J)

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

JUDGEMENT (Oral)

(delivered by Hon. Member(J) Shri C.J. ROY)

The applicant in this case is employed as Vehicle Mechanic/MV in 505 Army Base Workshop Delhi Cantt, in the pay scale of Rs.950-1500(revised) w.e.f. 12.2.1983. It may be noted that he is an exserviceman and has rendered 22 years of service in his previous post. He was sponsored for the present employment by the Director General Resettlement against the demand placed by the Commandant 505 Army Base Workshop for filling the posts of Veh. Mech/MV reserved for Ex-servicemen. The applicant was interviewed and he was also selected for the post as per his averment. He claims that the next promotion post is Vech. Mech./AFV in the pay scale of Rs.1400-2300. With this background he filed this application claiming the relief to protect the right of his promotion by directing the respondents to promote ² him against the first available promotion/vacancy of FM/AFV in 505

Army Base Workshop as existed on the immeditely after 26.11.1985 when he qualified the eligibility trade test for the posts of Veh.Mech/AFV with all consequential benefits and seniority.

2. We have seen the counter in which the respondents have averred in para-6(viii) thereof that mere pasing of trade test is not the criteria of next promotion, and moreover the trade tests are conducted by respondent No.3 on all India basis since they have the necessary facilities, under instructions from Commander HQ Tech Group EME/Army HQ. The results so declared are forwarded to Commander Technical Group/concerned authorities for taking further action. Therefore, to say that respondent No.3 is not promoting the petitioner is totally wrong. In para-6(ix) it is stated that the applicant has no right of claiming promotion on the basis of vacancies available with the respondent No.3 as employees working under respondent No.3 are locally controlled and their seniority is also locally controlled, whereas in the case of applicant his seniority is maintained on All India basis and is controlled trade wise by Commander Tech Group EME (the disciplinary/appointing authority in his case).

3. We have also seen the applicant's name at ST.No.23 in the list of seniority roll of industrial personnel (Group C and D) held on the strength of HQ Technical Group EME as a whole as on 1st April 1988.

4. It appears that that Respondent No.3 holds the trade tests only because they have the necessary technical know-how. These tests are held under the instructions of the Headquarters and thereafter

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declaring the results and declared and forwarded to the appropriate authorities for taking necessary action.

5. We have also seen Annexure R-1 order dated 13.7.84 in which it is stated that

"With immediate effect powers of Disciplinary-cum-Appointing Authorities in the case of civilian Group 'C' and 'D' personnel employed with detachments/MAGs will be exercised by Commander, Technical Group EME. Please take action accordingly"

6. By this letter, it could be seen that the applicant is governed by Commander, Technical Group EME for all disciplinary and appointment matters including promotion. The applicant's promotion is determined on All India basis irrespective of vacancies existing in the local office where he is working. After his promotion he may be posted in a vacancy anywhere, which may not necessarily be in the office where he is presently working.

7. In the circumstances the respondents are accordingly directed to consider the promotion of the applicant in his own turn, subject to his possessing the necessary qualification and his fulfilling the eligibility criteria as required under the recruitment/promotion rules, in accordance with law. With this direction, this OA is disposed of with no order as to costs.

Adige
(S.R. ADIGE)
MEMBER(A)
8.10.93

W.Y.
(C.J. ROY)
MEMBER(J)
8.10.93

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