



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No.693/2020
M.A. No. 1376/2020**

Order reserved on : 28.10.2020
Order pronounced on : 11.11.2020

(Through Video Conferencing)

**Hon'ble Mr.Pradeep Kumar, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

1. Anil Kumar Chauhan, Aged-53 years, S/o Sh. Randhir Singh, Working as HS-I in O.F. Muradnagar, R/o H.No.353, Radhesyam Phase-5, Asalat Nagar, Near CNG Pump, Muradnagar, Ghaziabad (UP)-201206.
2. Raj Kumar, Aged 43 years, S/o Sh. Ram Swaroop, Working as HS-I in O.F. Muradnagar, R/o New Defence Colony, Gali No.2, Near Railway Tower, Muradnagar, Ghaziabad (UP)-201206.
3. Desh Pal Singh, Aged 56 years, S/o Sh. Ratan Singh, Working as HS-I in O.F. Muradnagar, R/o Qt. No.331/22, New Type One, Ordnance Factory Estate, Muradnagar, Ghaziabad (UP).
4. Rajnish Kumar, Aged 42 years, S/o Sh. Vinod Prasad Shrivastav, Working as HS-I in O.F. Muradnagar, R/o Qt.No.187/34, Q Type, Ordnance Factory Estate, Muradnagar, Ghaziabad (UP)-201206.
5. Ravindra Kumar, Aged 39 years, S/o Sh. Ram Kumar, Working as HS-I in O.F. Muradnagar, R/o 86/10, Ramgarhi, Mangal Pandey Nagar, Meerut (UP)-250002.
6. Yogesh Kumar, Aged 40 years, S/o Sh. Maharaj Saw, Working as HS-I in O.F. Muradnagar, R/o Qt.No.143/18, New Type Two, Ordnance Factory Estate, Muradnagar, Ghaziabad (UP)-201206.
7. Virendra Singh, Aged 48 years, S/o Late Sh. Shankar Lal, Working as HS-I in O.F. Muradnagar, R/o Qt.No.191/34,



- Q Type, Ordnance Factory Estate, Muradnagar, Distt. Ghaziabad (UP)-201206.
8. Gurmeet Singh, Aged 52 years, S/o Sh. Surendra Singh, Working as HS-I in O.F. Muradnagar, R/o P-74A, Sector-23, Sanjay Nagar, Ghaziabad (UP)-201002.
 9. Sanjeev Mehta, Aged 53 years, S/o Sh. V.K.Mehta, Working as HS-I in O.F. Muradnagar, R/o H-30, Ordnance Factory Estate, Muradnagar, Ghaziabad (UP)-201206.
 10. Saiyad Sarfaraz Husain, Aged 43 years, S/o Sh. Saiyad Anwar Husain, Working as HS-I in O.F. Muradnagar, R/o Near GMP Public School, Gulsan Colony, Muradnagar, Distt. Ghaziabad (UP)-201206.
 11. Sunil Kumar Deepak, Aged 43 years, S/o Late Sh. Sardar Singh, Working as HS-I in O.F. Muradnagar, R/o Qt. No. 625/59, New Type One, Ordnance Factory Estate, Muradnagar, Distt. Ghaziabad (UP)-201206.
 12. Kapil Dev Pundir, Aged 39 years, S/o Late Sh. Ved Prakash, Working as HS-I in O.F. Muradnagar, R/o Vill & Post Kannuja, Muradnagar, Distt. Ghaziabad (UP)-201206.
 13. Ashwani Kumar, Aged 36 years, S/o Sh. Santosh Kumar, Working as HS-I in O.F. Muradnagar, R/o Qt.No.88/21, Q Type, Ordnance Factory Estate, Muradnagar, Distt. Ghaziabad (UP)- 201206.
 14. Ranjeet Kumar, Aged 42 years, S/o Sh. Tikaram, Working as HS-I in O.F. Muradnagar, R/o Qt.No.35/5, Old Type Two, Ordnance Factory Estate, Muradnagar, Ghaziabad (UP)-201206.
 15. Rajiv Kumar Sharma, Aged 53 years, S/o Late Sh. Sukharam Sharma, Working as HS-I in O.F. Muradnagar, R/o A/154, Sector-16, New Shastri Nagar, Ghaziabad (UP)-201002.
 16. Ritash Kumar, Aged 39 years, S/o Sh. Raj Kumar Sharma, Working as HS-I in O.F. Muradnagar, R/o Qt.No.631/59, New Type One, Ordnance Factory Estate, Muradnagar, Distt. Ghaziabad (UP)-201206.



17. Arun Kumar Tyagi, Aged 38 years, S/o Sh. Dayanand Tyagi, Working as HS-I in O.F. Muradnagar, R/o Old Type-II/DS/16/121, Ordnance Factory Estate, Muradnagar, Ghaziabad (UP).
18. Darmender Kumar Saranha, Aged 39 years, S/o Sh. Rajbir Singh Saranha, Working as HS-I in O.F. Muradnagar, R/o Qt.No.719/70, New Type One, Ordnance Factory Estate, Muradnagar, Ghaziabad (UP).

.... Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the Secretary, Ministry of Defence, Department of Defence Production & Supplies, Govt. of India, South Block, New Delhi.
2. The Secretary, Ordnance Factory Board, 110A, S.K.Boss Road, Kolkata.
3. The General Manager, Ordnance Factory, Muradnagar, Distt. Ghaziabad (U.P.)
4. Pramendra Kumar, (Electrician)
5. Sanjay Kumar, (Machinist/4263)
6. Pradeep Kumar, (Machinist/4267)
7. Raj Kumar, (Machinist/4294)
8. Shyam Kumar Chaudhary, (Machinist/4268)
9. Sushil Gupta, (Machinist/4293)
10. Vinay Kumar, (Patern Maker/4277)
11. Pradeep Kumar Yadav, (Mill Right/4279)
12. Ishwar Singh, (Mill Right/4280)
13. Naveen Kumar, (Machinist/4348)
14. Rajender Kumar Tyagi, (Machinist/4367)
15. Chetan Prakash, Turner
16. D.K. Bhardwaj, Machinist
17. Girish Kumar Sharma, Electrician
18. Balram Singh, Electrician



19. Mahesh, Electrician
20. Ashok Kumar, Melter
21. Harish Tamsoy, Molder
22. Anil Kumar Sharma, Melter
23. Rishi Pal, Molder
24. Arun Kumar, Fitter Elec.
25. Mukesh Kumar, Fitter Ins.
26. Gyanendra Singh Pawar, Mechanist
27. Amar Singh, Fitter
28. Shiv Kumar, Molder
29. Surjeet Singh, Turner
30. Naveen Kumar, Turner
31. Ramdeo Prasad Singh, Turner

[All the respondents No.4 to 31 are working at Ordnance Factory, Muradnagar, Distt. Ghaziabad (U.P.)]

.... Respondents

(By Advocate: Shri Piyush Gaur for official respondents

Shri M.K.Bhardwaj for private respondents)

ORDER

Hon'ble Shri Pradeep Kumar, Member (A)

Applicants are working as Highly Skilled Grade-I artisans in various trades (HSK-I), for example, carpentry, blacksmithy, welding, machinist, metallurgist etc. in



Ordnance Factory, Muradnagar, Distt. Ghaziabad under Ministry of Defence.

2. It is pleaded that as per Recruitment Rules (RRs) notified on 04.05.1989, the hierarchy from lower to higher level post was Skilled to Highly Skilled Grade-II and thereafter to Highly Skilled Grade-I. After Highly Skilled Grade-I (HSK-I), there were two channels of promotion.

The first channel as per RRs was that they have to pass the selection test for the post of Chargeman Grade-II and thereafter for next promotion as Chargeman Grade-I.

The second channel, though not provided in the RR, was specially brought about wherein options were to be called from those working as HSK-I whether they want promotion as MCM. Those who opted, were to pass a trade test and on being successful were to be considered for promotion to MCM in order of seniority amongst optees. It is pleaded that it was also provided in the instructions that MCM were not eligible for consideration for promotion for the post of Chargeman Gr-II or the next higher post of Chargeman Gr-I and beyond. When someone was promoted as MCM, he/she could not change the option subsequently.



3. The RRs were modified vide SRO No.191 of 1994 vide letter dated 28.11.1994. However, the provision of two channels of promotion for HSK-I had remained unchanged.

4. The applicants are aggrieved with the notification dated 31.12.2019 and 15.05.2014 wherein the respondent-department have decided to call for options from HSK-I as well as MCMs, for promotion to the post of Chargeman. The letter dated 15.05.2014 is an amendment to another letter dated 05.05.2014. Thereafter, a further modification was also issued on 22.05.2014.

As per these modifications all those who opted for consideration for the post of Chargeman, shall be considered by reckoning their seniority as HSK-I, even if the optee is presently working as MCM. The applicants are aggrieved that as per RRs, it is only HSK-I who can be considered for the post of Chargeman and this consideration cannot be made open to the MCMs.

5. Some similarly placed employees had earlier filed OA No.2430/2014 for the same grievance (**Om Prakash and others vs. UOI and others**). This was decided on



27.02.2015. In this OA also, the respondent letter dated 05.05.2014, 15.05.2014 and 22.05.2014 were impugned and it was pleaded that MCM is not a feeder cadre post for the next higher post of Chargeman Gr-II. The operative part of this judgment reads as under:

“5. We have heard the learned counsel for both parties. Learned counsel for the applicants Shri Yogesh Sharma contended that once the promotions have been given on the basis of Recruitment Rules, subsequent Annexures A/1, A/2 and A/3 whereby certain provisions are sought to be introduced are contrary to the Recruitment Rules. Learned counsel for the respondents Shri Rajinder Khatter, admitted that the said communications which issued are contrary to the existing Recruitment Rules, but are with a view to supplement the Rules *ibid*. We notice that the subsequent communications by way of SROs are not supplementary but are rather contrary to the existing Recruitment Rules.

6. Be that as it may, even if it is presumed that the impugned communications as Annexures A/1, A/2 & A/3 are issued for the benefit of employees themselves, it cannot be legally accepted that the benefit measures are taken in contravention of the Recruitment Rules, which have been framed by the respondents themselves under Article 309 of the Constitution. It would only be appropriate to amend the Recruitment rules for non-functional cadre, if it is so required by the respondents.

7. In view of the fact that the present Recruitment Rules are in favour of the applicants, we see no reason why the respondents should deny the benefit of promotion to the applicants, as sought by them in this OA. Accordingly, we direct the respondents to consider the applicants for promotion in terms of the Recruitment Rules, within a period of three months from the date of receipt of a copy of this order and to communicate the decision taken by them, along with reasons to the applicants. It may also be clarified in this very order that consequential benefits shall be regulated by the respondents expeditiously and not later than two months from the date of decision by the respondents regarding the aforesaid claim of the applicants for promotion.”



6. The respondents preferred a review petition No.157/2015 which was dismissed on 03.07.2015 by passing a detailed order. The operative para reads as follows:

“13. We, therefore, hold that there is no error apparent on the face of the record in the impugned order of the Tribunal dated 27.02.2015. The RA is an attempt to undertake a long process of reasoning to justify the exercise of powers under Rule 22(3)(f) of the Administrative Tribunals Act, 1985. The Hon’ble Supreme Court in the matter of Kamal Sengupta (supra) had also held that that an application for review being considered by the Tribunal must confine its adjudication with reference to material available at the time of initial decision. The admission by the respondents’ counsel that the orders impugned by the respondents in the OA were contrary to statutory Recruitment Rules cannot now be reopened by a subsequent argument contradicting the same on the ground that the learned counsel for the respondent had agreed with the Tribunal’s finding because of inadvertence.

14. For the reasons aforementioned, we do not find any sufficient ground to review the decision of the Tribunal dated 27.02.2015 in OA No.2430/2014. RA being bereft of merit cannot be allowed and is accordingly rejected at the circulation stage itself.”

7. The respondents thereafter preferred a writ petition No.8642/2015 before Hon’ble High Court of Delhi. This writ was dismissed vide orders dated 25.04.2019. The order by this Tribunal were upheld. The operative part of the order by Hon’ble High Court reads as follows:



“8. The undisputed position that emerges from the record is that the Recruitment Rules, which were promulgated in 1989, amended in 1994 and which continue to operate as on date, clearly specify that only HS Grade-I employees with three years of regular service are eligible for promotion to the post of Chargeman Grade-II. In the absence of HS Grade-I employees with three years of regular service, only HS Grade-II employees with six years of regular service are eligible for promotion to the said post. Furthermore, it is only a Chargeman Grade-II employee who is eligible for promotion to the post of Chargeman Grade-I. A person holding the post of MCM is not at all eligible for promotion to the post of either Chargeman Grade-II, or to the post of Chargeman Grade-I. In our view, merely because the petitioner has carried out some restructuring and merged the posts of both Chargeman Grade II and Chargeman Grade-I, it cannot make an MCM eligible for promotion to the post of Chargeman (Technical). The merger of the posts of Chargeman Grade I and Chargeman Grade-II in the post of Chargeman (Technical), cannot make an MCM eligible for promotion to the post of Chargeman (Technical), when the post of MCM is neither in the feeder cadre of Chargeman Grade-II nor that of Chargeman Grade I.

9. It is trite law that once statutory recruitment rules occupy the field, all recruitments and promotions have to be carried out strictly in accordance therewith. The Statutory Rules cannot be supplanted or amended by mere executive orders or circulars. In this regard, reference may be made to the decision in *Ajaya Kumar Das v. State of Orissa & Ors.* [(2011) 11 SCC 136], wherein the Supreme Court observed as under:

“10. Neither the Circular dated June 18, 1982 nor the subsequent Circular dated March 19, 1983 modifying the earlier Circular dated June 18, 1982 can override the statutory provision contained in Rule 74(b) of the Code if it results in reduction of pay of the employee on promotion. That Orissa Service Code has been framed under Article 309 of the Constitution of India is not in dispute. It is well settled that Statutory Rules framed under Article 309 of the Constitution can be amended only by a Rule or Notification duly made under Article 309 and not otherwise. Whatever be the efficacy of the Executive Orders or Circulars or Instructions, Statutory Rules cannot be altered or amended by such Executive



Orders or Circulars or Instructions nor can they replace the Statutory Rules. The Rules made under Article 309 of the Constitution cannot be tinkered by the administrative Instructions or Circulars.”

10. It is, thus, evident that the petitioner could not have acted contrary to the Recruitment Rules while issuing the letters dated 15th May, 2014 and 22nd May, 2014, which have been rightly quashed by the Tribunal. In case the petitioner deemed it necessary or proper to include the post of MCM as a feeder cadre for promotion to the post of Chargeman (Technical), it was open to them to amend the Recruitment Rules and then consider the MCMs for promotion to the said post of Chargeman.

11. For the aforesaid reason, we find no infirmity in the orders passed by the Tribunal.

12. The writ petition being meritless, is dismissed along with the pending application.”

8. Thereafter, the directions by this Tribunal were complied with and promotions orders of the petitioners therein were issued vide order dated 09.01.2020.

9. The respondents have now issued another order dated 31.12.2019 and directed that all promotions to the post of Chargeman (Technical) shall be carried out in terms of Ordnance Factory Board, Ministry of Defence, circular dated 15.07.2011, 05.08.2011 and 15.05.2014, which is to the effect that both HSK-I and MCM can be considered for promotion to the post of Chargeman (Technical). This letter dated 31.12.2019 reads as follows:

“To



The General Manager
Ordnance Factory Muradnagar,
Distt. Ghaziabad
UP-201206.

Subject: Implementation of Hon'ble C.A.T. (PB),
New Delhi order dated 27.02.2015 in
O.A. No.2430/2014 – Shri Om Prakash
& ors. vs. UOI & Ors.

Ref: (i) OFM Lr. No. E-3/DPC/PROC dated
26.12.2019

(ii) OFB Lr. No. PER/I/OFM/CC/7/
2019 Dated 20.12.2019

In response to the above referred OFM letter dated 26.12.2019, the proposal of the factory forwarded vide OFM letter dated 13.12.2019 has been re-examined by the Competent Authority at OFB in the light of the legal opinion rendered by the Govt. Counsel. Factory is requested to conduct review DPC for CM (Tech) considering only HS Gr-I employees for the streams of Mechanical and Metallurgy till the junior most applicant (of respective stream) of the subject O.A. The consequential financial benefit may also be granted to the concerned employees accordingly. Thereafter, all the promotions to CM (Tech) may be carried out in terms of OFB Circular No. 01/CR/Vol. II/A/658 dated 15.07.2011, dated 05.8.2011 and dated 15.5.2014 (i.e. considering both MCM & HS Gr.-I employees).

Factory must complete the entire process of review DPC before the date of next hearing (i.e. 17.01.2020) in the contempt case of the subject OA and a compliance report must be forwarded to OFB (Sec. Per/I) for information and record.

SD/-
(S.Sharad Rao)
Dy. Director/IR
For Director General, Ordnance Factories”

10. It is pleaded by applicants of instant OA, that provisions of this letter (para-9 supra) are against the RRs



and against the direction by the Tribunal which were upheld by Hon'ble High Court (para 7 supra).

11. The instant applications were not party to the OA No.2430/2014 (para-5 supra). However, faced with a similar situation, they have now preferred the instant OA. It is pleaded that once the issue of eligibility of the feeder cadre was already adjudicated and decided, the respondents are duty bound to follow the same.

The applicants have sought the following relief in the instant OA:

“(i) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 31.12.2019 (Annex. A/1), order dated 15.05.2014 (Annex. A/2) and declaring to the effect the same are illegal, arbitrary against the rules and discriminatory in the eyes of law and consequently pass an order directing the respondents to consider only the applicant as well as other eligible HS-I for their promotion to the post of chargemen grade-II from due date with consequential benefits.

(ii) That the Hon'ble Tribunal may further graciously be pleased to pass an order declaring to the effect that the MCM is not a feeder post for promotion to the post of chargemen grade-II against promotion quota.”

Interim relief was also sought to stay the orders dated 31.12.2019 and 15.05.2014.



12. Per contra, the respondents opposed the OA on the ground of limitation. It is pleaded that the order dated 15.05.2014 is being assailed in 2020 which is barred by limitation. Applicants have not preferred any MA seeking condonation of delay. Hence, the OA is not maintainable on the ground of limitation itself and needs to be dismissed.

13. It is further pleaded that no one junior to the applicants has been promoted for the post of Chargeman and they are being given an opportunity and even if a MCM shall opt for the post of Chargeman, they are to be considered as per the original seniority as HSK-I only, hence there should be no grievance

14. It is also pleaded that the General Manager of the Ordnance Factory, Muradnagar had called for a meeting of all concerned, including the applicants, on 10.02.2020 which was attended by the applicants also and some of those who did not opt for the post of MCM earlier. The concerned employees including the applicants, were given one more opportunity to opt for the post of MCM. However, no options were actually given by the concerned employees including the applicants. Therefore, they cannot plead now



that MCM are being given the opportunity for promotion to the post of Chargeman.

15. In this connection, it is also pointed out that the Hon'ble High Court's decision (para-7 supra) had upheld the judgment by the Tribunal but had also observed that if the statutory provision existed or is brought about, then only the MCM can be extended consideration for the post of Chargeman and not otherwise. It is pleaded that this provision actually already existed vide note No. 8 of the RRs of 04.05.1989 for promotion to the post of Chargeman Grade-II and Grade-I, which reads as under:

"Note 8: Promotion indicated in Col.12 of this schedule will normally be from feeder(s) grade indicated in Col.12 But where two or more feeder grades are declared to be 'allied grades' by the General Manager of the factory or Ordnance Factories Board, selections or promotion will be made from common seniority list of eligible persons in the allied grades"

However, somehow this appears to not have been produced/argued before the Tribunal or the Hon'ble High Court at that time. Under this provision HSK-I and MCM are considered as two allied grades amongst different trades, and as such they both can be considered for promotion to the post of Chargeman.



However, now the RRs have been revised also in 2019 to expressly provide for this [MCM to be the feeder category for the post of Chargeman (Technical)].

16. Accordingly, the OA is not maintainable and needs to be dismissed.

17. While OA was being heard, respondents preferred MA No.1884/2020 for filing an additional affidavit wherein the revised RRs of 2019 have been filed.

Some of the other employees, who are presently working as MCM, also preferred MA No.1822/2020 for their impleadment as private respondents on the plea that in case the OA is to succeed they will be adversely affected and they will not be considered for the post of Chargeman.

For the reasons mentioned therein, both these MAs were allowed on 15.10.2020.

18. The private respondents pleaded that the applicants in OA have sought relief in the form of directions to consider them for the post of Chargeman Gr-II. It was pleaded that the post of Chargeman Gr-II and Gr-I were merged vide OM dated 01.10.2009 and re-designated as Chargeman



(Technical). Thus, applicants are presently seeking promotion against a non-existent post of Chargeman Gr-II. On this account itself, the OA is not maintainable at all and needs to be dismissed.

19. The private respondents also submitted amended RRs of 2019 and drew attention to the Clause which provides that MCM can be considered for the post of Chargeman.

20. The private respondents also relied on another judgment by the Tribunal in OA No.1267/2013 dated 02.12.2014 which pertains to the post of Data Processing Assistant in Army Headquarters which is another wing of Ministry of Defence but distinct from Ordnance Factory. Some other judgments and departmental official minutes were also relied upon.

21. Matter has been heard at length. Shri Yogesh Sharma, learned counsel represented the applicants while Shri Piyush Gaur, learned counsel represented the official respondents and Shri M.K.Bhardwaj, learned counsel represented the private respondents.



22. Shorn of all the details and technicalities, the issue boils down to: what will comprise the feeder channel for the two posts of Chargeman Gr-II and Chargeman Gr-I which have now been merged into one post of Chargeman (Technical), i.e. whether it is confined to HSK-I and HSK-II as per the RRs of 04.05.1989 along with modification thereof on 28.11.1994 or whether MCM can also be considered as one of the feeder category.

The Tribunal notes that this very question was the subject matter of OA No.2430/2014 wherein it was decided that since RRs did not provide for promotion of MCM to the post of Chargeman, giving such an option to MCM is not permissible. This was upheld by the Hon'ble High Court of Delhi and was implemented also by the respondents for the applicants of OA No.2430/2014 vide promotions issued on 09.01.2020 (paras-5 to 8 supra).

23. So long as the RRs are not modified, it was expected that respondents shall follow the adjudication arrived at in OA No.2430/2014. However, vide letter dated 31.12.2019, the position as was obtaining in the earlier letters of 31.12.2010, 15.07.2011, 05.08.2011, 05.05.2014 and



15.05.2014 is proposed to be re-enacted and MCM are also being considered for promotion to the post of Chargeman.

The distinction sought to be made by the respondents that presently there is no post either of Chargeman Gr-II or of Chargeman Gr-I available, as they have been merged into the new post of Chargeman (Technical) and as such the relief sought is imaginary and not maintainable, is not acceptable. This is a mere technicality. It is noted once again that it is the entire group of Chargeman Gr-II and Chargeman Gr-I only, which has been merged and re-designated as Chargeman (Technical).

Therefore, once the issue was already adjudicated in respect of impermissibility of MCM to be a feeder cadre for the post of Chargeman Gr-II, there is no question of MCM becoming eligible for the post of Chargeman (Technical) now.

24. The respondents drew attention to note No.8 of the RRs of 1989 (para 15 supra). However, that is of no help to the respondents. Reason is that HSK-I could be in various allied grades in different trades like Carpentry,



blacksmithy, welding, machinist, moulding etc. Such of the HSK-I, who had opted for MCM, will be promoted as MCM in the respective trade only. The purport of this Note No.8 in RRs, is to draw the combined seniority list of all HSK-I from all allied trades for consideration for promotion to the post of Chargeman. It is also noted here that HSK-I of all these allied trades, could aspire for promotion to the post of Chargeman and the administrative needs would arise to draw a common seniority list of such candidates to decide their relative standing before ordering promotion. This cannot mean to include MCM also and especially so since the RRs do not indicate MCM to be the feeder category for the post of Chargeman. This plea is, therefore, rejected.

25. The respondents drew attention to the amended RRs of 2019, which provides for MCM to be a feeder category for the post of Chargeman (paras-15 & 19 supra). However, applicants pleaded that it is only a draft at this stage and has not been approved as yet by the competent authority. This counter plea of the applicants was not controverted either by the official respondents or by the private respondents. Therefore, it is taken that these are draft RRs



only and accordingly are also of no help to the respondents for the point at issue.

26. Once the specific grievance raised in this OA, was specifically gone into and adjudicated by the Tribunal and upheld by the Hon'ble High Court, there is no reason not to follow the ratio arrived at earlier and especially so, since there has been no change in the RRs. With this in view, the other relied upon judgments and minutes of the official meeting as adduced by the respondents (para-20 supra), are of no help to the respondents.

27. The pleas put forth by the respondents that the OA is barred by limitation, is also not acceptable, as the immediate cause of action has arisen due to the letter dated 31.12.2019. This plea is, therefore, also rejected.

28. In view of the foregoing, the pleas put forth by the applicants are gaining acceptability. Accordingly, OA is allowed.

The respondents letter dated 15.05.2014 and 31.12.2019 and the other letters referred therein, are quashed and set aside to the extent that MCM were



proposed to be treated to be one of the feeder category for the post of Chargeman Gr-II, Gr-I or Chargeman (Technical). This consideration cannot be extended to the MCMs so long as the RRs do not expressly provide for it.

29. With this, the interim orders passed are rendered infructuous and accordingly stand vacated. The respondents shall consider the eligible HSK-I only, for promotion to the post of Chargeman as per RRs.

30. Pending MA, if any, also stands disposed of accordingly. No costs.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

/sd/