

Reserved on 24.02.2021

Central Administrative Tribunal, Allahabad Bench,
Allahabad

(Circuit Bench at Nainital)

Original Application No.331/01110/2018

This the 03rd day of March, 2021.

Present.

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

Hon'ble Mr. Tarun Shridhar, Member (A)

Naresh Kumar Tomar, aged about 51 years, s/o Late Shri M.R. Singh,
Residence of 171, D-Lane, Rakshapuram, Lordpur, District Dehradun
(M.C.M.) O.L.F Raipur, Dehradun.

.....Applicant

By Advocate: Shri Sachin Mohan Singh Mehta

Versus

1. Union of India through Defence Secretary, Ministry of Defence, South Block, New Delhi.
2. Ordnance Factory Board through Secretary, Ordnance Factory Board Head Quarters (Section –A/1), 10-A A.K Bose Road, Kolkata -01.
3. General Manager, Opto Electronics Factory (Ordnance Factory), Raipur, Dehradun.

.....Respondents

By Advocate: Sri R.S. Bisht

ORDER

By Hon'ble Mr. Tarun Shridhar, Member (A)

The applicant Shri Naresh Kumar Tomar seeks redesignation of his position from Optical Worker/MCM to that of Highly Skilled Photo Etcher Graticule "A" Grade with effect from the date of his initial appointment and the resultant seniority and promotion benefits accordingly.

2. Learned counsel for the applicant points out that this issue had been earlier agitated by the applicant in O.A No. 29 of 2014 and subsequent to the direction given by this Tribunal to consider his claim, the respondents passed a detailed order whereby he was granted the benefit of revised pay scale but

his prayer for redesignation of his post was not considered. He further points out that the applicant has been performing the duties of a Photo Etcher which is a Highly Skilled vocation and he deserves to be redesignated in accordance with the duties he has been performing.

3. Learned counsel for the respondents, on the other hand, points out that the applicant is to be given a designation of the position to which he was appointed and he cannot claim the designation of a post which is altogether different and requires specific skills. He further mentions that as the applicant has been given revised and enhanced pay scale and the same has been given with retrospective effect, therefore, he has not been put to any financial or other disadvantage.

4. Learned counsel for the applicant, however, rebuts that in his present designation, the opportunities for promotion of the applicant are severely limited.

5. We have heard the learned counsel for the parties at length, as also examined the entire background, record and documents on file. We find that the applicant is performing a skilled job along with several others, but in a situation of multiple tasks and skills where each task requires a specific and niche skill. Now applicant may have been performing the task of Photo Etcher but that does not itself automatically entitle him to that designation as each post has its own specific Recruitment Rules. The applicant has not been able to produce any document, which could indicate that the Recruitment Rules, specifically with respect to the skill and qualification required for the post of Photo Etcher and his present designation are identical. Against this

background, the applicant's claim to give him a designation to a post for which he was neither recruited nor has he been able to establish eligibility seems to be unreasonable. He would have had a case for consideration of his prayer if he could establish that he fulfills the qualifications and eligibility criteria laid down for the post of Highly Skilled Photo Etcher Graticule "A" Grade or even the post which is feeder to this position. In the absence of any such proof or the document, we are not inclined to grant the relief sought for by the applicant, especially when he has already got all the financial benefits along with back arrears and he has not suffered any adverse consequences. The O.A is accordingly dismissed. No order as to costs.

(Tarun Shridhar)

Member (A)

(Justice Vijay Lakshmi)

Member (J)

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