

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. 294/1990

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New Delhi this the 16th day of September, 1997.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri R.K. Ahooja, Member (A)

Shri R.H. Singh
s/o Shri V.B. Singh
working as Chargeman Grade I in the
office of Ordnance Factory, Dehradun,
and resident (-67/1, Ordnance Factory
Estate, Dehradun (UP)

... Applicant
(By Advocate Shri D.S. Garg)

vs.

1. Union of India, through the Secretary
Ministry of Defence, South Block,
New Delhi-11.
2. The Chairman,
Ordnance Factory Board (A) (NG)
10-A, Auckland Road, Calcutta-1
3. The General Manager,
Ordnance Factory, Dehradun (UP)

... Respondents
(By Advocate Shri V.S.R. Krishna)

ORDER (ORAL)

(Hon'ble Shri R.K. Ahooja, Member (A))

The applicant, Shri R.H. Singh, who was working as Chargeman Grade-I when he filed the application, is aggrieved by the fact that his juniors were promoted as Assistant Foreman w.e.f. 2.4.1982 while he has been left out. In this context, he has pointed out the cases of S/Shri S.P. Biswas and N.K. Katwar, who according to him, had been juniors to him and had been promoted as Assistant Foreman w.e.f. 2.4.1982, in pursuance of the orders of the Bombay Bench of this Tribunal and have also been granted arrears of pay and allowances.

2. The respondents in their reply have contended that the promotion of S/Shri Biswas and Katwar were made

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on the basis of the directions given by the Bombay Bench, in which the applicant was not a party and therefore, he is not entitled to get the said benefit. However, they have further stated that the matter was under consideration and refixation of seniority would be done without any further delay.

3. We have heard the counsel on both sides. Learned counsel for the applicant submits that the applicant through out has been senior to S/Shri S.P.Biswas and N.K. Katwar and the respondents should have been considered for promotion whereas they had allowed promotion to the former. Learned counsel for the respondents on the other hand points out that various matters pertaining to the inter-se-seniority of the chargeman, feeder cadre for Assistant Foreman, were subject matter of litigation in various applications before this Tribunal and ultimately these matters were placed before the Full Bench. The Full Bench has given its decision on 22.12.1996. In this order the method of fixation of inter-se-seniority of various categories of Chargeman was laid down in para 18. Learned counsel for the respondents submits that in pursuance of the directions of Full Bench, the respondents have now prepared final seniority list of Chargemen after calling for objections, if any. Admittedly that the applicant's name in new seniority list is at Sl. No.1296 and thus senior to S/Shri Biswas and Katwar who are at Sl.No.1316 and 1330 respectively. Learned counsel for the respondents further stated that the respondents would now convene a review DPC to implement the orders of the Full Bench and decide the date of promotion of the applicant as well as of S/Shri Biswas and Katwar.

4. We have considered the arguments of both the learned counsel and have gone through the records. The main relief sought for by the applicant is that he should

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be given promotion as Assistant Foreman w.e.f. the date when his juniors were promoted. It is now clear that the claim of the applicant in regard to seniority ~~list~~ vis-a-vis S/Shri Biswas and Katwar is established; even in the final seniority list now prepared by the respondents.

The claim of the applicant for promotion with effect from the date of his juniors were promoted is ^{therefore} justified and is allowed. The application is disposed of with a direction to the respondents to consider the applicant and promote him to the post of Assistant Foreman w.e.f. the date when his juniors S/Shri Biswas and Katwar were promoted.

5. Learned counsel for the applicant has stressed that direction should also be given to the respondents to give all consequential benefits including arrears of pay and allowance. We note that this application has been filed in 1990. The orders in respect of S/Shri Biswas and Katwar were issued in 1989. In view of this, the applicant would be entitled to the similar benefits.

6. The above directions should be complied with by the respondents within a period of four months from the date of receipt of a copy of this order. No order as to costs.

R.K. Ahuja
(R.K. Ahuja)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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