

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 05th day of June, 2002.

Original Application No. 1043 of 1996.

C O R A M :- Hon'ble Justice R.R.K. Trivedi, Vice-Chairman.
Hon'ble Maj. Gen. K.K. Srivastava, Member - A.

S.S. Yadav S/o Sri Mehtab Singh
R/o 31/4, Type-III, Ordnance Equipment Factory,
Hazratpur Estate, Hazaratpur, Distt. Firozabad.

.....Applicant

Counsel for the applicant :- Sri K.C. Sinha
Sri Ashish Srivastava

V E R S U S

1. Union Of India through the Chairman/Director General,
Ordnance Factory Board, 10, Auckland Road, Calcutta.
2. Additional Director General of Ordnance Factories,
O.E.F Group, H.Q, G.T. Road, Kanpur.
3. General Manager, Ordnance Equipment Factory,
Hazratpur Distt. Firozabad.
4. Sri Ram Dhani Ram, Chargeman Gr. I (Mechanical),
Ordnance Equipment Factory, Hazratpur, Firozabad.

.....Respondents.

Counsel for the respondents :- Sri Ashok Mohiley

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A under section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order dated 24.02.1992 by which he was transeferred from Jabalpur to Hazaratpur as Supervisor 'B' (T) with indication that his seniority in the factory will be assigned in the grade of Supervisor 'B' (T) from 22.02.1992, the date he joined on transfer.

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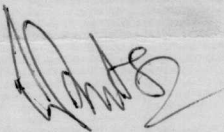
2. The grievance of the applicant is that he joined at Vehicle Factory, Jabalpur as Supervisor 'B' (T) on 20.02.1980 but on account of his circumstances, he requested for transfer from Jabalpur to Hazaratpur. It is submitted that applicant was given ^{an impression that} ~~in personation~~ on this transfer on compassionate ground, he will not be entitled to any TA/DA and joining time pay. It has ^{also} been said that he will not suffer loss of seniority. Subsequently, the applicant was informed that his seniority at Hazratpur will be counted from 22.02.1992. It is submitted that the order is arbitrary and it has been given retrospective effect, ^{that} ~~that~~ though there was no such rule applicable to applicant. ~~We have carefully~~

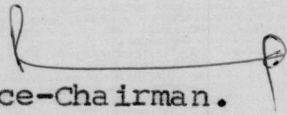
3. We have carefully considered the submission of learned counsel for the applicant. However, from the letter of Ordnance Factory Board's dated 21.04.1992 (annexure CA- 3) it is clear that forfeiture of seniority in the grade of Chargeman-II on compassionate transfer was implemented w.e.f 01.06.1991 when the rule was made ^{and} ~~circulated~~ ^{rule} ~~concerned~~ to all the concerned. This ^{rule} ~~date~~ 01.06.1991 was further rectified by order dated 25.06.1992 and it was provided that the rule of forfeiture of seniority on compassionate transfer in respect of Chargeman Grade- II will be effective w.e.f 31.07.1991. It is not disputed that though the applicant was Supervisor 'B' (T) and this post was made equal to Chargeman Grade- II w.e.f 01.01.1986 on the basis of IVth Pay Commission's recommendations. Thus the rule position was very much clear when the applicant was transferred on 17.02.1992. The rule had come in force on 31.07.1991 that on compassionate transfer there will be forfeiture of seniority. The same position ^{is} ~~found~~ ~~detected~~ from annexure CA- 14.

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4. The learned counsel for the applicant also submitted that respondent No. 4 was given promotion as Chargeman- I illegally superseding the claim of the applicant. However, we do not find any merit in this submission also. The applicant himself supplied the comparative chart of the service record of the applicant ~~and the respondent No. 4~~ which shows that respondent No. 4 was promoted to Chargeman Gr. II in scale of Rs. 425-700 w.e.f September, 1983. The applicant was serving as Supervisor 'B' (T) in the scale of Rs. 300- 560. He got the scale of Rs. 425-700 (equivalent to 1400-2300) w.e.f 01.01.1986, only after both posts were made equal on the basis of recommendations of IVth Pay Commission. Thus it also shows that respondent No. 4 was senior to the applicant and was rightly promoted. The order does not suffer from any error of law. The O.A is rejected accordingly.

5. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/