

: Reserved :

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
A_L_L_A_H_A_B_A_D

Dated : Allahabad this the 14 day of June 1996.

CORAM : Hon'ble Mr. Justice B. C. Saksena, V.C.
Hon'ble Mr. S.- Das - Gupta, Member-A.

Original Application No. 265 of 1996.

1. Jai Karan Singh MES 472310, son of Sri Bal Ram Singh, resident of P/45/3 Type III Defence Colony, Shyam Nagar, Kanpur;
2. Salyendra Bahadur Singh MES 419918, son of Sri Ram Baran Singh,
3. Santosh Kumar Agnihotri, MES 439425, son of Sri Uma Shanker Agnihotri,
4. Ram Mohan Tripathi, MES 455730, Son of Sri Ram Autar Tripathi
5. Mahesh Chandra Pandey MES 43932, son of Sri Padma Datt Pandey
6. Vinod Kumar Sharma, MES 168597 son of Sri Raghu Mandan Lal,
7. Rajesh Kumar Awasthi, MES 472312 son of Sri Om Prakash Awasthi.
8. Hem Raj MES 452549, son of Sri Laxami.
9. Radhey Shyam Tiwari MES 439294 son of Sri Harish Chandra Tiwari
10. Suresh Chandra Singh MES 212119 son of Sri Sant Lal Singh.

All C/o. Jai Karan Singh, son of Sri Balram Singh, R/o. P/45/3 Type III Defence Colony, Shyam Nagar, Kanpur.Applicants.

(THROUGH COUNSEL SHRI B. N. SINGH)

N E R SUSHI

Kanpur

1. Union of India, through the Secretary, Ministry of Defence, Govt. of India, New Delhi

2. Engineer-in-Chief, Army Headquarters, Kashmir House, D.H.Q.P.O. New Delhi.
3. Chief Engineer, M.E.S. Lucknow Zone Lucknow Cantt.
4. Commander Work Engineer No.1 MES Wheeler Barracks, Kanpur Cantt.

.....Respondents.

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(By Hon'ble Mr. S. Das Gupta, Member-A)

10 applicants have jointly filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the respondents to bring on record the result prepared by the Respondent No. 4 on the basis of test and interview held on 4.9.1995 and 5.9.1995 and also the order of promotion if any, issued on the basis of the results be quashed. A further ~~passing~~ direction prayed for is that the respondents be directed to prepare the panel on the basis of marks obtained in the test and interview held on the aforesaid dates and that the promotion be made on the basis of merit. A further prayer is that the respondents be directed to give promotion to the applicants with retrospective effect with all consequential benefits.

2. The facts narrated in the application are highly confused. However, the position that broadly emerges from the averments is that the applicants have been working on the post of Driver Engine Static and Pump House Operators in the skilled grades under the Garrison Engineer, Military Engineering Services, Kanpur Cantt. Pursuant to the direction issued by the Bombay Bench of the Central Administrative Tribunal, provi

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avenues of promotion to certain posts like the Pump House Operator and Driver Engine Static, The Govt. of India, Ministry of Defence vide order dated 6.7.1994 (Annexure-A-1) directed redesignation of 8 categories of posts including the Pump House Operator and Driver Enginer Static as the posts of Fitter General Mechanic (F.G.M. for short). It appears that the posts of Fitter General Mechanic qualified for the bench-~~mark~~ ^{mark} percent of highly skilled grade II and Highly Skilled Grade-I posts. By such redesignation all these posts qualified for 20% of the posts being placed in the ~~900~~ grade of HS Grade-II and 15% posts being placed in the grade of HS Grade I. It appears that thereafter the Engineer-in-Chief vide order dated 21.7.1994 (Annexure-A-2) issued operative instructions to all the Chief Engineers in pursuance of the instructions contained in letter dated 6.7.1994. Subsequently vide C.G.S.C. ^{Pariv} letter dated 26.7.1995, addressed to all Zones, it was inter-alia, provided that as the tradesmen could not qualify in the trade test for the newly re-designated post of F.G.M. H.S. Grade-II, the trade test should be conducted in the existing trades since there was no change in the existing ~~replacement~~ ^{percentage} personnel even after re-designation for the time being.

3. The applicants have submitted that the Respondent No.4 called for the applicant and other employees for a written ^{exam,whm} reply on 4.1.1995 and they directed were asked to answer 16 questions. It is alleged that the respondents did not prepare the question paper as per the instructions of the higher authorities separately in each category in accordance with the trade. There are allegations regarding mal-
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in the examination. It has also been alleged that even after the practical and viva-voce test, the results ~~were~~ were not declared and no merit list was prepared on the basis of the marks obtained in the same test. However, they came to know that the Garrison Engineer, M.E.S. Kanpur had issued the results indicating whether candidates had passed or failed but not indicating the marks obtained. The applicants sent a lawyer's notice to the respondents regarding the ~~various~~ irregularities committed in the promotion of F.G.M. H.S. Grade-II. They also sent telegram to the respondents to declare the results and also explain the basis of the promotion but, the respondents did not send any reply.

4. The applicants ~~though~~ filed an amendment application from which it appears that subsequent to the filing of the O.A., the respondent No.4 had issued the results of the selection vide letter dated 28.2.1996. In this list, ~~only~~ one person is Petrol & Diesel Mechanic whereas ^{an} other person is Driver Engine Static ~~whereas~~ rest of the employees are Pump House Operators. The applicants have stated that the promotion to the 8 categories which were re-designated as F.G.M. should have been given pro-rata benefit of the promotions and ~~they~~ ^{are} being promoted on the basis of the combined seniority list is ille-

5. When the case came up for admission, we heard the learned counsel for the applicants. Although the averments in the O.A. are highly confused, the point which emerged from the argument was that the applicants and others are aggrieved by the promotions being to the post of F.G.M. H.S. Grade-II on the basis

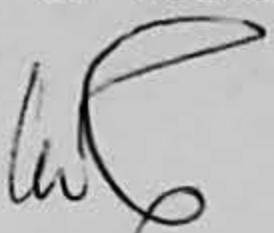
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combined seniority list of all the 8 trades which were re-designated as F.G.M. They have, therefore, sought quashing of the orders dated 6.7.1994 and 21.7.1994 and have prayed for a direction to the respondents to give benefit of promotion to the post of F.G.M. H.S. Grade-II to the various categories of employees according to their present strength on the basis of reasonable proportion to be fixed.

6. It is quite clear that 8 categories which include the categories to which the applicants belong did not have the ^{any promotional} ~~proportion~~ avenue. In compliance with the direction given by a bench of this Tribunal, the respondents devised the ~~scale~~. It means to provide them the promotional avenue by re-designating them as F.M.G. so that the re-designated employees will get the benefit of bunch mark percentage for the higher post of H.S. Grade-II and H. S. Grade-I. Once the 8 categories of trades have been ^{merged} ~~created~~ into one common designation, their promotion has to be made on the basis of their inter-se seniority based on the ~~date~~ of entry into the respective posts which were merged and re-designated as F.M.G. Apparently this is a procedure which has been adopted by the respondents and by which the applicants are aggrieved. Once they have been re-designated, and merged into one common trade, their separate existence has come to an end and therefore, the question of the promotion on the basis of pro-rata distribution of the higher post does not arise.

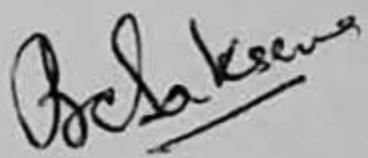
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7. As the applicants have not able to make out any prima-facie case, we do not consider it necessary to issue notice to the respondents and ask for a reply. The application is totally devoid of merit and is accordingly dismissed summarily.



MEMBER-A.

(Pandey)



VICE-CHAIRMAN