

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO.1014 OF 1998.

ALLAHABAD THIS THE 05TH DAY OF JULY 2007.

Hon'ble Mr. Justice Khem Karan, V.C.
Hon'ble Mr. P.K. Chatterji, A.M

Parimal Das son of Shri Madhusudan Das r/o N.T/III/139, Armapore Estate, Kanpur-208009.

.....Applicant

(By Advocate : Sri S. Chandra)

Versus.

1. Union of India through Secretary, Ministry of Defence Department of Defence Production and Supplies, Directorate General of Quality Assurance (Armaments), D.H.Q P.O New Delhi-110011.
2. The Director General, Directorate General of Quality Assurance, South Block, New Delhi-110011.
3. The Director, Directorate of Quality Assurance (Armaments) Department of Defence Production and Supplies, N. Block, DHQ, P.O New Delhi.
4. The Senior Quality Assurance Officer, Senior Quality Assurance Establishment (Small Arms), Small Arms Factory, Kalpi Road, Kanpur.

.....Respondents

(By Advocate: Sri S. Chaturvedi).

ORDER

By Justice Khem Karan, V.C.

The applicant, Parimal Das, is praying that the seniority list dated 31.10.1997 (Annexure A-7), in which he has been shown below Shri S.K. Mallick, Shri J.C. Porel and Shri Rajpal Singh in the grade of Chargemen Grade-I, should be quashed and respondents be directed to prepare fresh seniority list showing him senior to the said persons. It is also prayed that the respondents should be directed to promote the applicant from the date his juniors have been promoted in June 1996.

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2. There appears no dispute that in the panel of 1996, for promotion of the post of Chargemen Grade I, the applicant ranked senior (being at Sl. No.29) to Shri S.K. Mallick, Shri J.C. Porel and Shri Rajpal Singh (being at Sl. No.30, 31 and 32 respectively). There is further no dispute that those three persons were promoted in June 1996, as Chargemen Grade-I and were posted outside Kanpur. Applicant could be promoted in the year 1997, to the post of Chargemen Grade-I on the basis of fresh panel of 1997. In the seniority list (Annexure A-7) of Chargemen Grade-I, applicant has been assigned rank No.47, while those persons juniors to him in the feeding cadre have been assigned position at Sl. Nos.44, 45 and 46. The contention of the applicant is that he ought to have been promoted from the same date, from which his juniors were promoted and ought to have been assigned senior over and above them. He alleges, he clearly stated in representation dated 27.4.1997 (A-3) that he was ready and willing to go on promotion to outside station and so there was no good reason with the respondents, not to promote him alongwith his juniors.

3. The respondents have filed reply contesting the claim of the applicant. They say that since Shri S.K. Mallick, Shri J.C. Porel and Shri Rajpal Singh were ready to go and work as Chargeman, outside the station and the applicant wanted his promotion at Kanpur itself, so those three were promoted and posted in June 1996, and when subsequently the applicant showed his willingness in 1997, he was also promoted. As regards the seniority in the cadre of Chargeman Grade-I, their contention is that it has rightly been reckoned on the basis of panel position. They say that those three persons got promotion on posting in June 1996 and the applicant got such promotion and posting from subsequent panel of 1997, so he cannot claim seniority over those persons. They have described the promotions of those three persons as *situ*; In para II of the reply, it has clearly been stated that applicant was ordered promotions and posting *situ* i.e. S.Q.A.E. (SA) Kanpur against promotion claim vacancy of Shri Kureel, Chargeman Grade-I, vide letter dated 31.5.1996 (CA-2) and this was done to help him to get promotion *situ* as he requested telephonically, the then Controller of Quality Assurance (SA) Chapur, to adjust him *situ*. But before the said could be available to the applicant, validity of panel dated 27.3.1996, expired on 28.2.1997. The respondents, have also contended

that in absence of impleadment of those three persons, O.A. is not maintainable.

4. We have heard the party's counsel and perused the record.

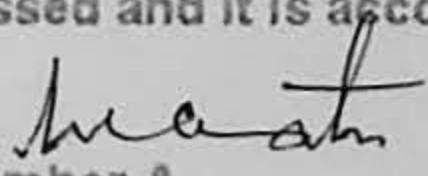
5. Learned counsel for the applicant has not been able to point out any material except representation dated 24.7.1997 (Annexure A-6) wherein applicant stated that he was ready and willing to serve outside the station, after his promotion to that grade. On the other hand, respondents have clearly stated that applicant was not ready to go outside the station and wanted his promoted at Kanpur itself, so his juniors were given promotion in June 1996.

6. In the circumstances, it is difficult to say that applicant was wrongly denied promotion and posting in June 1996, when his juniors were promoted. In the circumstances, when he, wanted his promotion and posting at Kanpur itself, and was not prepared to go outside the station, and his juniors were ready to go outside the station on promotion, There was nothing wrong on the part of the respondents to promote and post his juniors. Before he could show his willingness to go outside the station life of panel expired in Feb, 1997. We do not think, he was wrongly denied promotion and posting, alongwith his juniors.

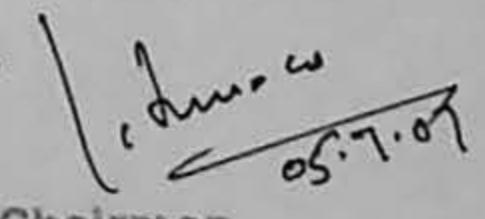
7. No rule has been cited by the learned counsel for the applicant to show that even if the applicant was not prepared to accept the posting outside the station on promotion in June 1996, he should have been assigned the seniority over his juniors. In normal course, a person getting promotion and posting from earlier panel will rank senior to the person getting promotion on the basis of subsequent panel, unless rules provide otherwise.

8. The applicant ought to have impleaded those three persons.

9. So the O.A. does not appear to be well-founded and deserves to be dismissed and it is accordingly dismissed. No costs.


Member-A

Manish/-


Vice-Chairman

05.7.07