

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1256 of 1998

This the 12th day of January, 2004

HON'BLE MR. V.K.MAJOTRA, VICE-CHAIRMAN
HON'BLE MRS.MEERA CHHIBBER, MEMBER(J)

1. Suresh Chand Sharma(Electrician),
M.E.S. 427759, M.E.S. G.E.(East),
Agra.

2. Prem Pal Sharma(Electrician),
M.E.S. 437758 M.E.S. G.E.(East),
Agra.

...Applicants.

By Advocate: S/Shri S.Gaur, A.Rajendra and N.S.Chauhan

Versus

1. Union of India through,
Engineerin Chief, (Kashmir House),
D.H.Q., P.O. - New Delhi.

2. Chief Engineer, Central Command, Lucknow.

3. Chief Engineer (Zone), M.E.S. Lucknow Cantt.,
Lucknow.

4. Commander Works Engineer, Agra.

5. M.E.S. G.E. (East).

....Respondents.

By Advocate: Shri R.C.Joshi

O R D E R

By Hon'ble Mr. V.K.Majotra, Vice-Chairman

Shri A.Rajendra, learned counsel of the applicants ^{lb}
and Shri V.V.Mishra, learned counsel of the respondents ^{Submitted}
that this O.A. has become infunctuous as the applicants
have been promoted w.e.f. 04-01-1999 on the basis of recommenauation
of the D.P.C. conducted on 04.12.1998. The applicants could
not be promoted as they were not found fit in the earlier D.P.C.
held in 1993 due to their low seniority. He particularly
drew our attention ^{to lb} paragraph 3 of the suppl.counter Affidavit:-


" That the contents of paragraph 5 of the Rejoinder
Affidavit are emphatically denied. It is incorrect
that the office memorandum dated 19.04.1985 has been
overruled or superseded. The letter dated 08.04.1986
is only clarification with regard to the implementation

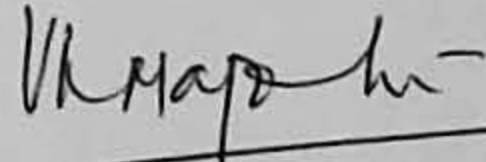
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of three grade structure. It may be stated that the existing Switch Board Attendant(SBA) where redesignated as Electrician Skilled with new code no. 657.10, on the basis of authority of Govt.of India, Ministry of Defence dated 24.06.1987, just attached as Annexure A. Both the applicants were initially appointed in the category of Switch Board Attendant and the letter dated 08.04.1986 was made applicable to the applicant in the year 1987, As per above letter dated 24.06.1986. Based on this letter the D.P.C. was conducted in the year 1993, but both the applicants could not be considered for promotion due to their low seniority. Thereafter, the applicants were again considered by D.P.C. conducted on 04.12.1998 and since found fit were promoted as Electrician Highly Skilled Grade II with effect from 04.01.1999. The rule position as mentioned by the applicant in paragraph under reply is not correct. The applicant are not entitled to promotion to Highly Skilled Grade II with effect from 15.10.1984. The seniority position of the applicants were taken into consideration even by the D.P.C. held in the year 1993, but were not considered fit for promotion due to low seniority. This was the position in the year 1993, Therefore, in any case they could not have been promoted in the year 1984. A photocopy of the letter 24.06.1987, Seniority list drawn for D.P.C. purpose and photo copy of the panel drawn for promotion by D.P.C. in the year 1998 are annexed herewith and marked as Annexure SCA 1, SCA 2 and SCA 3."

2. The O.A. is dismissed as infructuous.

No costs.


Member A


Vice-Chairman

Brijesh/-