

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Original Application No. 236 of 2004.

this the 12th day of March 2004.

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Jugal Kishore Sinha, S/o Sri Raghunath Prasad, R/o HIG-4
Block 'C', Shyam Nagar, Kanpur.

By Advocate : Sri R.K. Shukla.

Applicant.

1. Union of India through the Secretary, Department of Defence prodn. & Supplies, Ministry of Defence, Govt. of India, New Delhi.
2. The Secretary, Defence production & Supplies, Ministry of Defence, Govt. of India, New Delhi.
3. Director General, Quality Assurance (DGQA), Department of Defence prodn. & Supplies, South Block, New Delhi.
4. Director of Quality Assurance (Stores), DQAS, Department of Defence Production 'G' Block, New Delhi.

Respondents.

By Advocate : Sri R.C. Joshi.

O R D E R

By this O.A., applicant has sought a direction to the respondents to place the petitioner in the vacancy occurred due to retirement of Sri S.P. Chakraborty, SQAO, SQAE (GS), Kanpur w.e.f. 1.11.2003.

2. It is submitted by the applicant that he is senior most officer in Gentex discipline of Defence quality Assurance Services as he is a sl. no. 8 in the seniority list of JAG (NFSG) and all the persons above him ^{have} already been placed in the proper J.A.G. (Functional) grade. ~~and~~ one vacancy ~~become~~ available after Sri S.P. Chakraborty.



~~See~~ SQAO, SDAE, (CGS), Kanpur had retired on 31.10.2003. It is submitted by the applicant that he is due to retire shortly in the month of July 2004 and incase he is ^{not} placed in the JAG (Functional) immediately his right would adversely be affected as after retirement, he would be given less pensionary benefits. He has even given a representation on 4.11.2003 (page 16) and 5.1.2004 (page 17), but till date no reply has been given to him and now he understands that even the junior has been placed in the JAG ignoring the claim of the applicant, therefore, he had no other option but to file the present O.A.

3. It is seen that no such averments is made in the O.A., but since an oral statement was made by the applicant's counsel, I feel that incase a junior has been placed in the proper JAG (Functional) grade by ignoring the applicant, it would be better if the applicant gives a representation to the authorities concerned in this regard so that the department may consider his claim properly on the basis of record maintained by them. It is seen that the applicant has given two representations addressed to Director General of Quality Assurance, Department of Defence production & Supply, Govt. of India, Ministry of Defence, New Delhi, but none of the representation -s have been relied sofar. Counsel for the applicant has invited my attention to page 21 wherein para 6 of the notification reads as under :

"Such of the functional posts of senior Quality Assurance officer, Joint Controller, Joint Director, Additional Controller and Additional Director in the Directorate General of Quality Assurance Organisation, as may be earmarked by by the Govt. from time to time for being held by members of the service, shall be filled from amongst officers of the level of Non-functional Section Grade of the service on the basis of the recommendations of a placement Committee constituted for the purpose."

4. perusal of this paragraph clearly shows that a person can be placed in the JAG (Functional) grade ^{only} after he is recommended by the placement Committee, therefore, it would

be better if this case is disposed off at admission stage itself by giving permission to the applicant to give a detailed representation to the authorities concerned within 3 days giving the name of the junior, who has been placed in the JAG (Functional) grade. Incase applicant gives a representation, respondent no.3 is directed to decide the same within a period of 4 weeks from the date of receipt of such representation under intimation to the applicant. Incase placement Committee recommends the applicant, he shall be given JAG (Functional) grade in accordance with rules.

5. With the above directions, this O.A. stands disposed off with no order as to costs.



MEMBER (J)

GIRISH/-