

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

ALLAHABAD this the 23rd day of March 2010

Original Application Number. 768 OF 2004
(U/S 19 of the Administrative Tribunal Act, 1985)

HON'BLE MR. A. K. GAUR , MEMBER (J)
HON'BLE MR. S. N. SHUKLA, MEMBER (A)

1. S. K. Singh S/o Sri Sughar Singh R/o House No. 03 Chinour, Post-Paina Old, Police Station Sadar Bazar, District-Shahjahanpur.
2. B. R. Singh S/o Sri Bimal singh, R/o House No. 2, Chinour, Post-Paina Old, Police Station Sadar Bazar, District-Shahjahanpur.
3. S. N. Rai S/o Sri Harihar Rai, R/o House No. 6, Chinour Post-Paina Old, Police Station Sadar Bazar, District-Shahjahanpur.
4. Umesh Chandra Pandey S/o Sri Mahesh Pandey, R/o Quarter No, 290/2H/type Factory State O.C.F. Shahjahanpur.
5. Rakesh Kumar Verma S/o Sri Shyam Lal Verma, R/o Mohalla-Baru Jace-I, Head Post Office Shahjahanpur, Police Station-Sadar Bazar, District-Shahjahanpur.
6. Anjani Kumar Verma S/o Sri Shamser Bahadur Verma, R/o House No. 77, Hathithan, Police Station-Sadar Bazar, District-Shahjahanpur.
7. Udai Bhan Yadav S/o Sri Babban Yadav, R/o Quarter No. 285/3, H/type Factory State Police Station-Sadar Bazar, District-Shahjahanpur.
8. Ram Singh S/o Late Sri Hansraj Singh, R/o Quarter No. 286/4 H/type Factory State, Policy Station-Sadar Bazar, District-Shahjahanpur.
9. Shiv Charan S/o Sri Rampher, R/o Quarter No. II/B/39, Double Story Factory State, Shahjahanpur.
10. R. N. Bhattacharya S/o Sri J. C. Bhattacharya, R/o Quarter No. II/E/32, Double Story, Factory State, Shahjahanpur.

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.....Applicant

V E R S U S

1. Union of India through Secretary, Ministry of Ordinance of Defence, North Block, New Delhi.
2. Chairman ordinance Factory of Board Audh Bhawam, 10-A Shahid Khudi Marg Bose Marg, Kolkata-740011.
3. Director General of Ordinance Factories, 10-A, Shahid Khudi Ram Bose Marg, kolkata-740011.
4. General Manager Ordinance Clothing Factory, Shahjahanpur.
5. Udai Veer Ticket No. 212509, P-7 IInd Blanket B.O.C.F., Shahjahanpur.
6. Promod Kumar Singh Ticket No. 212512, P-7 IInd Blanket A.O.C.F., Shahjahanpur.
7. Karam Singh Ticket No. 312510, P-7, IInd Blanket A.O.C.F., Shahjahanpur.
8. Tara Singh Sagar ticket No. 212890 P-7 IInd Blanket, A.O.F.C. Shahjahanpur.
9. Om Prakash Ticket No. 212889, P-7, IInd Blanket A.O.C.F., Shahjahanpur

.....Respondents

ALONG WITH

Original Application Number. 1200 OF 2004

1. S. K. Singh S/o Sri Sughar Singh R/o House No. 03 Chinour, Post-Paina Old, Police Station Sadar Bazar, District-Shahjahanpur.
2. B. R. Singh S/o Sri Bimal Singh, R/o House No. 2, Chinour, Post-Paina Old, Police Station Sadar Bazar, District-Shahjahanpur.
3. S. N. Rai S/o Sri Harihar Rai, R/o House No. 6, Chinour Post-Paina Old, Police Station Sadar Bazar, District-Shahjahanpur.
4. Umesh Chandra Pandey S/o Sri Mahesh Pandey, R/o Quarter No, 290/2H/ type Factory State O.C.F. Shahjahanpur.

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5. Rakesh Kumar Verma S/o Sri Shyam Lal Verma, R/o Mohalla-Baru Jace-I, Head Post Office Shahjahanpur, Police Station-Sadar Bazar, District-Shahjahanpur.
6. Anjani Kumar Verma S/o Sri Shamser Bahadur Verma, R/o House No. 77, Hathithan, Police Station-Sadar Bazar, District-Shahjahanpur.
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9. Shiv Charan S/o Sri Ramphher, R/o Quarter No. II/B/39, Double Story Factory State, Shahjahanpur.
10. R. N. Bhattacharya S/o Sri J. C. Bhattacharya, R/o Quarter No. II/E/32, Double Story, Factory State, Shahjahanpur.

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3. Director General of Ordnance Factories, 10-A, Shahid Khudi Ram Bose Marg, kolkata-740011.
4. General Manager Ordnance Clothing Factory, Shahjahanpur.
5. Tej Pratap Singh (T. No. 212284) P-7 Blanket -A, O.C.F. Shahjahanpur.
6. Subhash Chandra Ram (T. No. 212460) P-7 Blanket-B, O.C.F., Shahjahanpur.
7. Veer Bahadur Ram (T. No. 212461) P-7 QAS/G, O.C.F. Shahjahnpur.

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8. Gulab Chand (T. No. 212473) P-7-I Durry, O.C.F. Shahjahanpur.
9. Hub Lal (T. No. 212474) BN-432 'C', O.C.F. Shahjahanpur

All Respondent No. 5to 9 through General Manager, Ordinance Clothing Factory, Shahjahanpur-242001.

.....Respondent

Advocate for the Applicant: Sri B. N. Singh
Sri R. S. Yadav

Advocate for the Respondents: Sri S. Singh
Sri R. L. Yadav
Sri S. L. Kushwaha
Sri Ajay Singh

ORDER

DELIVER BY HON'BLE MR. A. K. GAUR, MEMBER (J).

We have heard counsel for the parties.

2. Sri B. N. Singh, learned counsel for the applicant stated that the applicants have been granted promotion from the due date. He further submits that Respondents have not given any benefit of seniority from the date of promotion.

3. We have carefully gone through the Annexure 9, which is corrigendum dated 27.03.2006, filed alongwith affidavit dated 21.07.2007 by the respondents. A bare perusal of the said corrigendum would reveal that in pursuance of the judgment dated 17.05.2005 passed by the Central Administrative Tribunal, Ernakulam Bench in O.A. No. 882 of 2003 respondents have substituted para 3 of Ministry of Defence letter dated 20.05.2003 in following terms:-

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"The placement of the individuals in the posts resulting from the restructuring and ratio revision shall be made w.e.f. 01.01.1996, in relaxation of the condition, if any, i.e. trade test etc. as one time measure. However, the individuals who got promotion by way of passing trade test etc between 01.01.1996 to 19.05.2003 would be en-block to those who got promotion as result of restructuring of cadre in relaxation of conditions of passing trade test etc. Cases of the recovery /re-fixation of pay as a result of restructuring of cadre may be settled in the light of the said clarifications."

4. In view of the aforesaid corrigendum dated 27.03.2006 issued in pursuance of observation made by Ernakulam Bench of the Tribunal, We hereby direct to the Respondents/Competent Authority to consider the case of the seniority of the applicant in the light of decision rendered by Ernakulam Bench of the Tribunal and pass reasoned and speaking order in accordance with provisions of Rules within a period of three months from the date of receipt copy of this order.

5. With the aforesaid observation O.A. is disposed of, with no order as to costs.



Member-A



Member-J

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