

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
Original Application No.313/2014.**

Dated this the 02nd day of August, 2021.

CORAM:

**Hon'ble Sh. Jayesh V. Bhairavia, Member (J)
Hon'ble Dr. A.K. Dubey, Member (A)**

1. Sanjay Ramakant Tiwari
Presently working as Lower Division Clerk
Military Engineer Service
Garrison Engineer (P) (Air Force)
Naliya Kutchh – 370 655.
Residing at: 157/2, Air Force Station
Naliya – Kutchh 370 655.

...Applicant

(By Advocate Mr. K I Kazi)

VS

1. Union of India
Through the Secretary
Ministry of Defence, Raksha Bhawan,
South Block, New Delhi – 110 011.

2. The Chief Engineer
Military Engineer Services Headquarters,
Chief Engineer (Navy) Mumbai,
26. Assaye Building, Colaba, Mumbai – 400 005.

3. The Command Chief Engineer
HQ Chief Engineer, Souther Command,
Military Engineer Services,
Sir Manekji Mehta Road, Pune – 411 001.

4. The Garrison Engineer
(Project) (Air Force) Military Engineer Service
Naliya Kutchh – 370 655.

...Respondents

ORDER
Per: Shri Jayesh V Bhairavia, Member (J)

In the instant OA, applicant has raised the grievances that certain LDC's junior to him were allowed to appear in LDC exam for the promotion to the post of UDC before completion of five years of mandatory service in the grade as stipulated in SRO in SRO 122 of 1999 and SRO 120 of 2004. He submitted his representation to grant any benefit of particulars to appear in the examination and consequential benefits. Subsequently, vide order dated 10.04.2004 (Annexure A/6). Headquarter Chief Engineer, Southern Command Pune i.e., respondent no. 3 herein informed the Chief Engineer of various zone that it was came to notice of the Headquarter that certain LDC's were allowed to appear in examination even before completion of mandatory regular service. This has resulted in certain junior LDC's passed the exam and promoted to UDC before their seniors who were not allowed to appear in exam by respondent formations. Therefore, it was decided as one time measure that the senior LDC's who had applied to appear in the said exam but were not allowed in writing by the department before completion of five years of service, may now be directed to appear in the exam and if they pass the exam and found eligible for promotion to UDC, their seniority be restored with prior concurrence of E-in-C's branch and place above their junior, to negate the criteria of selectivity adopted in the past. It was further clarified in the order said/instructed the benefit of one time measure applicable in those case only, where senior LDC's have been disallowed in writing by the department to appear in the exam and certain zones have allowed junior LDC's to appear for the exam (Annexure A/6). It

is the case of the applicant that respondent had not given any explanation why they were not allowed to appear and write the exam. Therefore, in the present OA, the applicant has sought relief for direction to the respondent to grant him permission with back wages or alternatively revert back the individual or junior LDC to the applicants who were granted promotion to the UDC. In same, he prayed for direction to grant him promotion to UDC.

It is noticed that respondents have filed their reply and denied the claim. The applicant filed to join junior LDC's as respondents though directed by this Tribunal. Further, it is stated that due opportunities has been granted to all the LDC's who were deprived in the exam vide order dated 10.04.2014. Applicant has no legal right to claim direct promotion to the post of UDC.

It is noticed that this case is pending since, 2014. Advocate Shri K I Kazi informed this Tribunal, he has returned the file and applicant stated to be transferred to other place after filing of this OA. Considering it and material on record it appears that applicant has lost the interest in the present application. As such we are not indulging to entertain this OA. In view of above, OA stands disposed of.

(A K Dubey)
Member(A)

(Jayesh V Bhairavia)
Member(J)

PA

