

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/020/00442/2016**

HYDERABAD, this the 12<sup>th</sup> day of April, 2021

**Hon'ble Mr. Ashish Kalia, Judl. Member**  
**Hon'ble Mr. B.V. Sudhakar, Admn. Member**



P.Shunmugam, S/o P.Narsimha Chary  
Age 68 yrs, Occ: Retired AFM (81420 Y),  
R/o 1-77-5 Plot No.225, Sector-3,  
M.V.P. Colony, Visakhapatnam.

...Applicant

(By Advocate: Mrs. Anita Swain)

Vs.

- 1.The Union of India,  
Rep by its Secretary, Ministry of Defence,  
South Block, New Delhi 110011.
- 2.The Chief of Naval Staff, Integrated Headquarters,  
Ministry of Defence (Navy), Directorate of  
Civilian Personnel, Sena Bhavan,  
New Delhi 110011.
- 3.Flag-Officer, Commanding-in-Chief (CSO P&A),  
Head Quarter, Eastern Naval Command, Naval Base,  
Visakhapatnam 530014.
- 4.The Admiral Superintendent, Naval Dockyard,  
Visakhapatnam 530014.

....Respondents

(By Advocate : Mr. A. Surender Reddy, Addl. CGSC)

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**ORAL ORDER**  
**(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)**

**Through Video Conferencing:**



2. The applicant filed this OA aggrieved by denial of promotion to the post of Foreman (Gaz.) for the year 2007-2008 though he was in zone of consideration on the ground that he stood retired on 31.03.2007 and also the action of the respondents in re-designating him as Chargeman I instead of Assistant Foreman consequent to change of III-Tier structure to IV Tier Structure. The applicant seeks a consequential direction to conduct review DPC for the post of Assistant Foreman w.e.f. 2001, with consequential benefits.

3. The brief facts of the case are that the applicant was appointed as Grade II Engine Fitter in 1969 in the respondent organization. Thereafter, he was promoted to Grade I in 1970 and Mechanic in 1974. Later on, he became Senior Chargeman in 1979 and further, promoted as Foreman in 1983 under III Tier structure when IV CPC was in force. On implementation of the V CPC recommendations, the structure of Technical Supervisory staff was changed from III tier to IV tier viz., Chargeman-II and Chargeman-I, Assistant Foreman and Foreman. The ratio given for the said was 35 for Chargeman-II, 25 for Chargeman-I, Assistant Foreman-25 and Foreman-15. Restructuring was done on 26.12.2001. The respondents re-designated the applicant as



Chargeman I from the erstwhile post of Foreman. Later, he was promoted as Assistant Foreman in 2005 instead of 2002 after his qualifying in the departmental examination. Further, though applicant was qualified for further promotion to the post of Foreman (Gazetted) in the IV-tier structure and was in the zone of consideration for the year 2007-2008, he was not promoted on the ground that he stood retired on 31.03.2007, while his juniors were promoted.

4. The contentions of the applicant are that due to improper and illegal restructuring, he lost legitimate right to be promoted to Gazetted post in spite of eligibility and suitability. Had the Department conducted DPC on time, he would have earned promotion Foreman (Gaz) in 2005 itself. Feeling aggrieved by this, the applicant submitted representations to the respondents on 08.05.2010 & 06.07.2015 seeking notional promotion as per DOPT OM dt. 14.11.2014 and 30.01.2015, but in vain.

5. The respondents filed the counter affidavit stating that the post implementation of Vth CPC, the grades of Technical Supervisory Staff were re-structured into 4-Tier structure vide GOI, MoD letter No.11(3)/97/D(Civ-I) dated 26 Dec 2001 in the ratio of 15:25:25:35 for the grade of Foreman, Assistant Foreman, Chargeman-I & Chargeman-II, as follows :

| 3 Tier Structure | IV CPC Pay Scale | 4 Tier Structure                     | V CPC Scale |
|------------------|------------------|--------------------------------------|-------------|
| Sr Foreman       | Rs.2375-3500     | Foreman                              | 7450-11,500 |
| Nil              |                  | Asst. Foreman (New Grade Introduced) | 6500-10,500 |
| Foreman          | Rs.1600-2600     | Chargeman-I                          | 5500-9000   |
| Sr.Chargeman     | Rs.1400-2300     | Chargeman-II                         | 5000-8000   |



After distribution of Technical Supervisory Staff as per the ratio rationally, the then Senior Foreman Grade was re-designated as Foreman and the then Foreman grade has been re-designated as Chargeman-I and a newly introduced grade of Assistant Foreman has been placed in between the grades of Chargeman-I and Foreman (with pay scale of Rs.6500-10,500). Accordingly, a seniority list of Technical Supervisory Staff under 4 Tier structure was prepared appropriately placing the personnel according to their seniority in the grade and the same circulated to all concerned during 2003. They submit the applicant was promoted as Assistant Promotion w.e.f. 27.06.2005 and he was not promoted as Foreman since he was not in service in 2007-2008.

6. Heard both the counsel and perused the pleadings on record.

7 (I) After the matter was argued at some length, learned counsel for the applicant has drawn our attention that in a similar case, this Tribunal directed the respondents to dispose of the representation made by the applicant. Similarly in this case also, the representation of the applicant has not been replied by the respondents.

II. Therefore, we are of the view that the respondents need to take a decision on the representation of the applicant. Accordingly, the respondents are directed to dispose of the representation of the applicant referred to above, by a speaking and reasoned order, within a period of four months from the date of receipt of a copy of the order.



With the above direction, O.A. is disposed of. There shall be no order as to costs.

**(B.V.SUDHAKAR)**  
**ADMINISTRATIVE MEMBER**

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

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