

RESERVED

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Review Application No.30/B/T/88  
in

Registration T.A.No.602 of 1986

Union of India .... Defendant  
Appellant  
Versus

P.N.Varma .... Plaintiff/Respondent.

Hon.D.S.Misra, A.M.  
Hon.G.S.Sharma, J.M.

(By Hon.D.S. Misra, A.M.)

This is a review petition against the judgement dated 16.3.88 in Registration T.A. No.602 of 1986 rejecting the appeal filed by the Union of India, the appellant. The appeal was against the judgement and decree dated 27.5.85 passed by Munsif City, Kanpur in Suit No. 1142 of 1983. In the suit filed before the Munsif, the plaintiff/respondent had sought a declaration that he was eligible for promotion to the post of Selection Grade LDC with effect from 1.7.59, U.D.C. with effect from 30.5.62 and further promotion as Office Supdt. grade II with effect from a date in terms of his revised seniority as may be determined based on anti dated

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promotion. The suit was decreed in favour of the plaintiff and the same was upheld in appeal by our judgement dated 16.3.1988.

2. We have heard the learned counsel for the Union of India, defendant-appellant and the plaintiff respondent in person. The main ground urged in the review petition is that the post of Office Supdt. grade II is a selection post and that the method of promotion specified in S.R.O. 199 ~~000000~~ notified in the official Gazette dated 26.6.76 (copy Annexure 2) shall be applicable and not rules of 1956 relied upon in the judgement of the Lower Court as well as the appellate court. On going through the documents on record it is noticed that although the defendant-appellant had stated in his written statement that the post of Office Supdt. grade II was a selection post, he had not filed any document in support of this contention. A copy of S.R.O. 199 dated 25.6.76 titled 'Ordnance Factories and Ordnance Equipment Factories (Group 'C' non Industrial Posts) Rules, 1976' was not filed either by the defendant or by the plaintiff. There was thus no option but to consider the Indian Ordnance Factories (Recruitment and Conditions of services of class III personnel)

Rules, 1956 in deciding the claim of the plaintiff. The judgement of the Lower Court upheld by the appellate order simply states that the plaintiff was eligible for promotion to higher posts in accordance with 1956 Rules. The 1976 Rules contained in S.R.O. 199 would be applicable only from the date of its notification in the Gazette i.e. 25.6.76. If the plaintiff became eligible for promotion on or after 23.6.76, the 1976 Rule will apply. In these Rules the method of promotion to the post of Office Supdt. grade II has been prescribed as selection method and the procedure to be observed by Departmental Promotion Committee for promotion by selection method as contained in the O.M. dated 30.12.76 of the Department of Personnel and Administrative Reforms (copy Annexure-I) will apply. Accordingly our order under review stands modified to this extent.

3. The review petition is allowed in part without any order as to cost.

*Swarup*  
Member (J)

*J. Hm*  
30.1.89  
Member (A)

Dated the 30th Jan., 1989

RKM