



Reserved

Central Administrative Tribunal, Allahabad.

Registration T.A.No.282 of 1987

A.N.Dixit and others ... Petitioners.

Vs.

Union of India & others ... Respondents.

Connected with

Registration T.A.No. 274 of 1987

Jeebachh Misra and others ... Petitioners.

Vs.

Union of India and others ... Respondents.

Hon.D.K.Agrawal, JM

Hon.K.Obayya, AM

(By Hon.D.K.Agrawal, JM)

Civil Misc. Writ Petition No.3713 of 1978

Writ Petition No.3714 of 1978 on transfer to the Tribunal under the provisions of S.29 of the Administrative Tribunals Act XIII of 1985 were registered as T.A.No. 282 of 1987 and 274 of 1987 respectively.

The subject matter of both the writ petitions is the same inasmuch as the order dated 2.1.1978 passed by General Manager, Ordnance Parachute Factory Kanpur promoting the Respondent nos. 2 to 5 has been challenged by different sets of Petitioners in the two writ petitions.

2. The Petitioners ~~(five in a number)~~ who have either retired or deceased or promoted, have challenged the order of promotion of Respondent nos. 2 to 5 on the post of officiating Supervisor Grade 'A' (non-technical stores or non-stores). The Respondent nos.1 and 6 have moved an application in Writ Petition No. 3713 of 1978 that Petitioner nos. 1 and 4 have already expired, the Petitioner nos. 2 and 3 have retired and the Petitioner no.5 has already been transferred

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to OFC on 14.2.1986 on promotion as OS Grade I. Thus, their contention is that the writ petitions have become infructuous. In writ petition no. 3714 of 1978, the contention of the Respondent nos.1 to 6 is to the effect that the Petitioner nos. 1 and 3 have retired, Petitioner no.4 transferred to OFC Kanpur as OS Grade I and Petitioner no.2 also promoted as OS Gr.II. However, we have heard learned counsel for the parties on merits and perused the proceedings of the Departmental Promotion Committee (for short DPS).

3. On perusal of the proceedings of the DPC, we have found that the DPC constituted under R.8 of the Indian Ordnance Factories (Recruitment and Conditions of Service of Class III Personnel) Rules,1956, as framed under Art.309 of the Constitution of India duly considered the Petitioners (of both the Petitions) as well as the Respondent nos. 2 to 5 in both the petitions and it was on the basis of the recommendations made by DPC that Respondent nos. 2 to 5 of both the petitions were promoted to the post of Supervisor 'A' non-technical. DPC did not find Petitioners fit for promotion. In such circumstances, we need not enter into further details and the petitions are liable to be dismissed on this count alone. However, it may be mentioned that the Petitioners of Writ Petition No.3713 were Upper Division Clerks while Respondent nos. 2,3 and 4 were Supervisors 'B' non-technical.

The Respondent no.5, i.e. T.K.Roy was senior to G.P. Misra arrayed as Petitioner No.5 in the writ petition no.3713. Similarly, P.R.Sarkar, Respondent no.4 in writ petition no.3714 was selected in preference to Petitioner no.4, i.e. M.L.Goyal ^{~a~} on account of Sri Sarkar's experience in the Stores Department which

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he gained while working on the post of Asstt. Store Keeper w.e.f. 28.5.1963 and on the post of Supervisor 'B' non-technical stores to which he was appointed w.e.f. 5.9.1972.

4. In the aforesaid circumstances, both these writ petitions are liable to be dismissed.

5. Both the writ petitions are dismissed without any order as to costs.

R. Bhargava
MEMBER (A)

Dated Dec 18th 1989

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D.K. Ganguly

MEMBER (J)