

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD  
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(P2)

Original Application No.574 of 1988

Jagdish Singh

... Applicant

Versus

Union of India & others

... Respondents

HON'BLE MR. MAHARAJ DIN MEMBER(J)  
HON'BLE MR. K. MUTHUKUMAR MEMBER(A)

(By Hon'ble Mr. K. Muthukumar- AM)

In this O.A., the applicant has prayed for quashing of the order dated 16-9-1987 of the respondents changing the date of promotion of the applicant from 15-10-1984 to 1-4-1985 and the consequential direction to the respondents not to deduct the amount of salary already paid on account of the order of the respondents changing the date of promotion. He has also sought the relief entirely of another matter relating to the result declared by the respondents with regard to the candidates who were declared successful for grant of Highly Skilled Grade-I and Grade-II by the Board of Officers.

2- The facts of the case in brief are that the applicant was working as Vehicle Machanic(Fitter Auto) in Ordnance Depot at Chheoki and was promoted to Highly Skilled Grade-II w.e.f. 1-4-85. By a subsequent order dated 16-9-87 which is cited as impugned order(Annexure-V) in the application, respondents shifted the dates of promotion to Highly Skilled Grade-II of the individuals noted each, to accomodate retirees who retired from service between 15th October, 1984 to 30th April, 1985 and accordingly, the date of promotion of the applicant shown at Serial No.2 in the aforesaid order was also shifted from 15-10-84 to 1-4-85.

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3- In the counter affidavit filed by the respondents, it has been stated in para-21 that the shifting of date of promotion from 15-10-84 to 1-4-85 was due to the fact that the retirees who retired from service between 15-10-84 to 30-4-86 were also considered for giving benefits as directed by the Ministry of Defence/Army Head Quarter and this was also stated in the preliminary affidavit filed in this Tribunal for protesting stay application and therefore, it has been averred that change in the date of promotion is neither arbitrary, illegal nor prejudicial to the applicant.

4- During the hearing, counsel for the applicant argued that the respondents could not postpone the date of promotion which has already been approved on 18-4-84 by the subsequent order dated 15-8-87 and therefore, it has to be considered arbitrary and illegal. The counsel for the respondents while reiterating the reasons mentioned in the counter affidavit argued that the changes were administrative in nature and were considered to give benefits to such of those retirees who were not given the benefit earlier, and taking into account the vacancies, the shifting of the date of the promotion has to be ordered.

5- We have considered the arguments of the counsels for both the parties and we find that there is no substance in the application with regard to this charge that the applicant was prejudicially affected by the change in the date of promotion. We find that shifting in the date of promotion was ordered in respect of 14 officials who are in different trades including the petitioner and this had to be done to give the benefit to the 14 retirees who retired from service during the period from 15-10-84 to 30-4-86 on the basis of specific order of the Central Government, Ministry of Defence/Army Head Quarter letter

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and it was also stated that the retirees, who had not been given promotion earlier, were also to be given the benefit of promotion.

The applicant has not cited any statutory rule in support of his contention that the date of promotion cannot be shifted. No specific grounds are alleged against the issue of Ministry of Defence/Army Head Quarter instructions regarding the shifting of the date of promotion to accomodate the retirees and we, therefore, find no merit in the application <sup>in</sup> so far as it relates to the prayer for declaring of shifting of the date of promotion as illegal and arbitrary. We, accordingly, reject this prayer.

6- Counsel for the respondents has also stated before us that no deduction from the applicant's salary have been made on account of the shifting of the date of promotion and this has not been controverted by the counsel for the applicant. Accordingly, there is no merit in this prayer also. Now, we come to the other relief relating to the direction sought for from this Tribunal, directing the respondents to produce the original result sheet and marks allotted to the applicant to verify that there is interpolation and cuttings and therefore, to declare the result null and void. This prayer is for entirely different relief and ~~we are not~~ connected with the other reliefs and has to be normally pressed by a separate application and therefore, deserves to be rejected <sup>can</sup> on this score alone as there ~~be~~ no single application seeking multiple reliefs. However, ~~we find~~ from the averments made in the application as well as in the counter affidavit filed by the respondents and the arguments advanced before us, we find nothing irregular in the declaration of the result. The original results were declared in the DO Part-I order dated 24th September, 1987.

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for two classes on different trades:

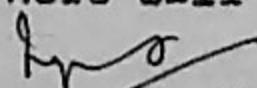
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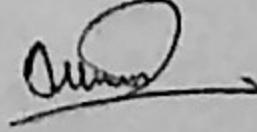
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- (i) Highly skilled Grade-I
- (ii) Highly Skilled Grade-II

In the result five candidates belonging to the electrician trade were declared successful for Grade-I and two candidates were declared successful for Grade-II. From the subsequent special D.O. Part-II order dated 16-9-1987, the results were modified by deleting two of the last candidates in the Electrician in Grade-I and one last candidate in Electrician Grade-II. It has been clearly stated when deleting the names from the result published that the candidates were to be declared to be successful only to the extent of vacancies against each Grade, whereas the Board has declared successful candidates over and above the requirement and against vacancies in certain trades. In view of this, two candidates in Electrician Grade-I and one candidate in Carpenter/Joiner Grade-II and one candidate in Electrician Grade-II have been deleted from the result published. The applicant's name had not figured in original list. On that ground the applicant has no reason to plead that the entire proceedings of test are arbitrary merely because the results were modified deleting certain name subsequently for very valid/reasons. There is no evidence of interpolation or cuttings in the result sheet as stated by the applicant and therefore, we do not see any reason to allow the above prayer for declaring the result null and void.

7- In the light of the above discussion, we find no merit in the application and the application is accordingly dismissed. There will be no order as to cost.

  
MEMBER (A)

  
MEMBER (J)

DATED: Allahabad July 27, 1994.  
(ISPS)

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