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## OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

## ALLAHABAD

Dated: This the 6th day of February, 1997

Hon'ble Dr. R. K. Saxena JM  
CORAM : Hon'ble Mr. D. S. Baweja AM

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ORIGINAL APPLICATION NO.415/89

S. P. Chaturvedi son of Prakash Chandra Chaturvedi  
resident of 28/A, Larmour bagh,

Sri M.A.siddigi

## VERSUS

1. Union of India through Secretary,  
Ministry of Defence, Govt. of India,  
New Delhi.
2. Chairman Ordnance Factories Board/D.G.O.F.  
Calcutta.
3. Sri A. K. Chopra son of not known  
A.W.M., Ordnance Clothing Factory,  
Shahjahanpur.
4. Sri K. K. Sethi son of not known  
A.W.M., Ordnance Equipment Factory,  
Hazratpur, Agra. - - - - - Respondents  
C/R Sri Ashok Mohilev

ORDER (ORAL)

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BY Dr. R. K. Saxena JM

Applicant Sri S.P.Chaturvedi has approached the Tribunal challenging the order dated 10.4.1989 passed by the General Manager, Ordnance Equipment Factory, Kanpur whereby the representation made by the applicant about his promotion, was rejected.

2. The facts of the case are that the applicant was initially appointed as Assistant Foreman( Leather) on 18.3.1967 in Ordnance Equipment Factory, Kanpur. He reached upto the post of Foreman, but no further promotion could be given. His case is that he was entitled for promotion to the post of A.W.M., but the same was refused. Therefore, he approached the Tribunal through O.A.1188/85 S.P.Chaturvedi V/s Union of India and others which was decided on 4.11.1985. It was observed by the Tribunal that the petition was barred by limitation. However, a direction was given to the respondents in the case to take a decision on the representation of the application dated 26.6.1985. In pursuance of this direction, General Manager had taken the view that the application was not entitled for promotion because the post of A.W.M. was a selection post and the applicant was graded only good. Other Officers were graded superior to the applicant and therefore, those other persons including juniors to the applicant, were promoted. This order was communicated to the applicant

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by one Sri C.B.Srivastava, Manager (Administration) II.

Feeling aggrieved by this order, the present O.A. 415/89 has been preferred on the ground that the applicant was legible for promotion and the promotion was denied arbitrarily.

3. Respondents have contested the case and filed counter affidavit in which it was averred that the post of A.W.M. was a Selection post and that the promotion to a Selection post from ~~seniority in the future~~ <sup>senior with poor</sup> grading would not guarantee a right for promotion. It is further averred that seniority may give right of consideration and the name of the applicant was considered, but was found unfit. It appears from the perusal of this C.A. as well as from the pleadings of the learned counsel for the applicant that adverse entries in some past years were given to the applicant and despite ~~of~~ the representation made, those entries continued in the record. The respondents, however, contended that O.A. is devoid of merits.

4. The applicant filed rejoinder affidavit reiterating the facts, which were mentioned in the O.A.

5. We have heard Sri M.A.Siddiqi, Learned counsel for the applicant. Sri Ashok Mohiley appears for the respondents. We have also perused the records.

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6. The main question for consideration in this case is ~~that~~ whether the applicant is entitled to be promoted as A.W.M. Sri Siddiqui, however, ~~admits~~ <sup>8</sup> ~~agitates~~ that the applicant was given adverse entries in some past years. He again submits that the representations were made for expunction of those adverse entries, but no result was communicated. It is already averred in the C.A. that the record of the applicant was not of a superior grade. He was written only as a good officer, which is normally understood lowest in the ranks. In such a situation, we hold the view that the applicant could not have <sup>been</sup> promoted until and unless the adverse entries, which were given to him, were completely expunged and a superior grade ranking was given. The result is that we find no merit in the ~~case~~. O.A. is, therefore, dismissed. No order as to costs.

*Shahryar*  
A.M.

*Dulloo*  
J.N.

SQI