

CENTRAL ADMINISTRATIVE TRIBUNAL ALIAHABAD BENCH
ALLAHABAD

Allahabad this the 7th day of January, 1997.

Coram : Hon'ble Mr. S. Das Gupta, Administrative Member
Hon'ble Mr. T. L. Verma, Judicial Member

Original Application no. 838 of 1992.

Radhey Shyam Mamgain,
son of Sri Shyam Lal Mamgain,
at present working as Record Supplier,
(Opto Electronics Factory Raipur)
District Dehradun.Applicant.
(THROUGH COUNSEL SRI SN SRIVASTAVA)

Versus

1. Union of India, through Secretary,
Ministry of Defence, Govt. of India.
2. General Manager, Opto Electronics
Factory, Raipur, Dehradun.
3. The Departmental Promotion Committee,
Opto Electronics Factory, Raipur, Dehradun
through its Chairman.
....Opp. parties.

(THROUGH COUNSEL ~~XXX~~ KM. SADHNA SRIVASTAVA)

O_R_D_E_R(Oral)

(By Hon. Mr. S. Das Gupta, Member-~~3~~)

This application has been filed under
Section 19 of the Administrative Tribunals Act, 1985
seeking a direction to the Departmental Promotion
Committee not to recommend any person on any ~~post~~
vacant post of Tracer in accordance with rules which
violates the provision and Rules given in the

Establishment and Administration Manual for the Central Government Officers. A further direction sought is for preparation of separate seniority list of the two feeding cadres for promotion to the post of Tracer and to fix 50% quota for promotion to the Feeder grade of Record Supplier.

2. The admitted position in this case is that the applicant is a Record Supplier. For filling up the post of Tracer in the pay-scale of Rs.975-1540 the relevant S.R.O(a copy of which is at Annexure-A-3) prescribes that failing transfer from equivalent post, the post shall be filled by promotion of the incumbents of the post of Blue Printers and allied grades.^{xx} By a subsequent letter dated 26/30.4.1990 (Annexure-A-2) it was clarified that the post of Record Supplier, which has been placed in the same scale of pay as Blue Printers will also be a feeder grade for promotion as Tracers. The applicant's case is that there should be a quota prescribed for the two Feeder grades viz. the Blue Printers and the Record Supplier and separate seniority lists for the two cadres be maintained. He has relied on certain instructions in the Establishment and the Administration Manual which allegedly provides that ^{there} ~~whether~~ there are more than one feeder grades for promotion, the persons in the feeder grades should be arranged separately on the basis of their inter-se seniority in the grades and thereafter the promotions should be effected on the basis of the quota prescribed for each cadre.

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3. The respondents have filed a detailed counter-affidavit in which it has been stated that as both the feeder grades are in the same scale of pay, the combined seniority list is being prepared on the basis of their inter-se seniority and promotions are being made to the post of Tracer on the basis of such combined seniority list. It has been stated that the applicant was promoted to the post of Record Supplier on 20.12.1988 whereas Blue Printers in ~~the~~ junior category were all appointed on 6.10.1988. Therefore, the applicant has been placed at Sr.No.4 of the said combined seniority list.

4. The applicant has filed a Rejoinder-affidavit reiter-ating his contention and denying the contrary averments in the counter-affidavit.

5. When the case was called out none was present for the applicant nor there was any request for adjournment. Therefore, we heard the learned counsel for the respondents and perused the record carefully.

6. The statutory rules for filling up the post of Tracer very clearly stipulates that the promotion shall be made from the feeder grades. This feeder grades have been identified as Record Supplier and Blue Printers. The applicant has not brought out any rule before us which would make it mandatory to fix a quota when more than one grades qualified for the same promotional post. If any quota

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is prescribed, no doubt separate seniority list should be maintained for each cadre and thereafter promotion is to be made based on the quota prescribed for each cadre. However, when no quota has been prescribed and all feeder grades are in the same scale of pay, the only reasonable basis for promotion would be ~~or~~ combined seniority list in which the incumbents of all the feeders grades would be ^{placed} posted on the basis of date of holding the post. This is the ^{methodology} ~~methodology~~ which has been adopted by the respondents and we find nothing arbitrary and unreasonable in the same.

7. In view of the above, we are not satisfied that any case has been made for our interference. The application is dismissed. The parties shall bear their own costs.

W. Pandey
MEMBER (J)

W. Pandey
MEMBER (A)

(Pandey)