

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 31st day of July, 2001.

CORAM:-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

I. Original Application No.1196 of 1995.

Ram Gopal S/o Shri Hublal,
Ticket No.511/M.S. Working as
General Fitter in the Ordnance Equipment
Factory, Kanpur.

(Sri Rakesh Verma, Advocate)

. Applicant
Versus

1. Union of India through Secretary,
Ministry of Defence, New Delhi
2. Additional Director General,
Ordnance Factories, G.T. Road,
Kanpur.
3. The General Manager, Ordnance
Equipment Factory, Kanpur.

(Km. Sadhna Srivastava, Advocate)

. Respondents

A N D

II. Original Application No.1195 of 1995.

Hardin Ticket No.545/M.M.
S/o Late Shri Ram Adhin,
R/o House No.77, Golaghat Cantta,
Kanpur.

(Sri Rakesh Verma, Advocate)

. Applicant

Versus

1. Union of India through Secretary,
Ministry of Defence, New Delhi.
2. Additional Director General,
Ordnance Factories, G.T. Road,
Kanpur.
3. The General Manager, Ordnance Equipment
Factory, Kanpur.

(Km. Sadhna Srivastava, Advocate)

. Respondents

A N D



III. Original Application No.1197 of 1995.

1, Smt. Krishna Devi Nigam
W/o Late Shyam Narain Nigam,
R/o 113, Punjabi Bazar, Unnao.

2. Jeetendra Kumar Nigam,
S/o Late Shyam Narain Nigam,
113, Punjabi Bazar, Unnao.

(Sri Rakesh Verma, Advocate)

. Applicant

Versus

1. Union of India through Secretary,
Ministry of Defence, New Delhi.

2. Additional Director General,
Ordnance Factories, G.T. Road,
Kanpur.

3. The General Manager, Ordnance
Equipment Factory, Kanpur.

(Km. Sadhna Srivastava, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

In the above OAs, the question of fact and law involved are similar and they can be decided by a common order against which learned counsel for the parties have no objection.

2. OA No.1196 of 1995 ^{shall be} ~~has been~~ the leading case.

3. The facts giving rise to these applications are that the applicants were serving in industrial establishment under respondent no.3, Ordnance Equipment Factory, Kanpur. The applicants were serving as Tailors 'C', as they were rendered surplus, They were absorbed in other trades. They were redesignated and absorbed as General Fitter on 16-2-1973. They were aggrieved by the computation of their seniority from the date of their redesignation. They claim that their entire past services should be taken into account for computing seniority. Aggrieved by this the applicant filed various OAs before this Tribunal in 1991-ⁱⁿ (Ram Gopal Singh Vs. UOI & Ors, under leading case being OA No.1242/1991) which were decided by

common order. The Tribunal dealt with each aspect of the case. However, the applicants were permitted to file appeal against the impugned ~~order~~^{order of dt. 09-10-1990} to high authorities. The order of this Tribunal dated 25-2-1994 was challenged before the Hon'ble Supreme Court in SLP Nos. 17965 and 17968 of 1994, The SLPs were dismissed on 28-10-1994. The applicants were granted eight weeks further time to file appeal. The appeal^s filed by the applicants have been dismissed by the impugned order dated 12-8-1995 aggrieved by which this second OA has been filed.

4. We have heard Sri Rakesh Verma, counsel for the applicant and Km: Sadhna Srivastava, counsel for the respondents. The main submission of the learned counsel for the applicant is that the applicants have been illegally deprived of the benefit of their services rendered before absorption in another trade. No policy was framed for the merger of the two trades. However, we find that ~~these~~^{aspects} of the matter ~~was~~^{was} already dealt by this Tribunal in detail and ~~was~~^{was} not accepted. The view expressed by this Tribunal was confirmed by the Hon'ble Supreme Court. In the circumstances, we do not find any fault in the order passed by the appellate authority by which he has said that the applicant is entitled for the computation of the seniority from the date when he was redesignated i.e. w.e.f. 16-2-1973. These OAs have thus no merits and are liable to be dismissed. The OAs are accordingly dismissed. There shall be no order as to costs.
