

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 13th day of September, 2002

Original Application No. 360 of 1995

Hon'ble Mr. Justice R.R.K.Trivedi, Vice Chairman

Hon'ble Mr. S.Dayal, A.M.

R.A. Pandey, aged about 47 years, son of late  
J.K.Pandey, Resident of FT/66, Armapore Estate,  
Kanpur, presently employed as chargeman Grade-I,  
Ordnance Factory, Kalpi Road, Kanpur.

...Applicant

Counsel for the applicant:- Shri N,K.Nair

Versus

- 1- Union of India, through the Secretary,  
Department of Defence Production,  
Government of India, New Delhi.
- 2- Chairman, Ordnance Factory Board/  
Director General of Ordnance Factories,  
10-A, Auckland Road, Calcutta.
- 3- General Manager, Ordnance Factory, Kanpur.
- 4- General Manager, Ordnance Factory,  
Chanda (Maharashtra).
5. Shri S.R.Guha, Chargeman Grade-I, Civil  
Section, Ordnance Factory, Chanda (Maharashtra).

..Respondents

Counsel for the respondents:-Km. Sadhna Srivastava

O R D E R

(By Hon'ble Mr. Justice R.R.K.Trivedi, Vice Chairman)

By this O.A under Section 19 of Administrative  
Tribunal Act, 1985, applicant has prayed for a direction




to respondents to antedate the promotion/appointment of the applicant ~~of the applicant~~<sup>8</sup> on the post of Supervisor 'B' (Tech) from the date 1-1-1969, w.e.f. which applicant's junior Shri S.R.Guha the respondent No.5 was so promoted/appointed after completion of the Journeymanship training in the next batch, after the applicant had completed such training.

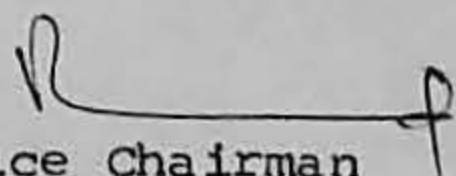
2. The facts of the case are that applicant after completing the Journeymanship training in the Ordnance Factory, was appointed as Fitter General Grade 'B' in July 1968 and was posted at cordite factory, Aruvankadu. The applicant was thereafter transferred in December 1968 to the ordnance factory, Chanda as Fitter General Grade 'B'. In 1971, applicant was promoted as fitter General 'A' after passing trade test. On 24-9-1974, the applicant was empanelled by the DPC for promotion as Supervisor-B (tech). The applicant filed objection against the aforesaid and claimed that his promotion as Supervisor 'B' (Tech) may be done from the back date. The applicant's claim was considered and it was accepted that his promotion as Supervisor 'B' should be considered w.e.f. 15-3-1973, Aggrieved by the aforesaid order dated 15-5-1993, applicant has approached this Tribunal. The representation was again made on 28-7-1993 which was also rejected on 27-10-1993. Both the aforesaid orders have been challenged in this O.A. The whole case of the applicant is based on the fact that one Shri S.R.Guha allegedly junior to the applicant, was promoted on 1-1-1969, hence, the applicant should also be given promotion from 1-1-1969. Counter





affidavit has been filed in which it has been denied that Shri S.R.Guha was junior to the applicant. It has been stated that Sh. S.R.Guha, after he completed the ~~journeymanship~~ training in various ordnance factory was directly appointed as Supervisor 'B' (tech) w.e.f. 1-1-1969. Order to this effect, passed by the factory board has been filed as CA-3 along with counter from perusal of which it is clear that Sh.S.R.Guha was appointed directly as Supervisor Grade-B (tech) alongwith 7 others. Thus, the contention of the applicant that Shri. S.R.Guha was junior to him, cannot be accepted. The applicant was appointed from the beginning as Fitter General Grade B whereas Sh.S.R.Guha was appointed as Supervisor 'B' (tech). In the circumstances, it is beyond imagination that a person appointed in higher Grade from the very first date could be junior to the applicant. The learned counsel for the applicant then submitted that the appointment of S.R.Guha directly as Supervisor 'B' was illegal and against the rules. <sup>at</sup> <sup>may</sup> <sup>the</sup> Be that ~~it~~ ~~made~~ <sup>u</sup> The appointment of the Sh.S.R.Guha <sup>is</sup> ~~was~~ not in question <sup>before us</sup> <sup>at</sup> <sup>high</sup> ~~that it~~ tookplace on 1-1-1969. After 32 years it is difficult for us to <sup>re</sup> <sup>open</sup> <sup>u</sup> the appointment. <sup>as</sup> Shri. S.R.Guha was not junior to the applicant nor he was promoted as supervisor 'B' but he was appointed directly, <sup>as</sup> the claim of the applicant has no merit and is accordingly rejected. No order as to costs.

  
Member (A)

  
Vice Chairman

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