

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

CIRCUIT SITTING AT UTTARANCHAL (NAINITAL)

Nainital, this the 12th day of April, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.  
HON. MAJ. GEN. K.K. SRIVASTAVA, A.M.

O.A. No. 325 of 1999

1. Bal Chandra, aged about 38 years S/O Late Atma Ram R/O C/O Pataru Ram, Okla Sundarwala, Raipur, Dehradun.
2. Balbir Singh Chauhan, aged about 31 years S/O Sri Mohan Singh Chauhan R/O B-15/14, New Type-II, Ordnance Factory, Estate, Raipur, Dehradun..... ....Applicants.

Counsel for applicants : Sri K.C. Sinha.

Versus

1. Union of India through Secretary, Ordnance Factory Board, 10-A, Auckland Road, Calcutta.
2. General Manager, Opto Electronic Factory, Raipur, Dehradun. .... ....Respondents.

Counsel for respondents : Sri G.R. Gupta.

ORDER (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri K.C. Sinha, learned counsel for applicant, Sri G.R. Gupta, Addl. Standing Council, Union of India and perused the pleadings.

2. The applicants, who are working on the post of Tracer w.e.f. 26.8.1991 and 16.4.92 respectively stake their claim for promotion to the post of Draftsman/Chargeman, Gr. II which representations have been rejected by the impugned order dated 1.12.1998. The representations, appears to have been rejected in view of the explanation contained in letter dated 11.11.1998 of Ayudh Mukhyalaya to the effect that Tracer is not the feeder cadre with reference to the post of Karyavakshak (Chargeman, Grade-II).

3. Sri Sinha has invited our attention to the provisions contained in Indian Ordnance Factory (Recruitment and

DRG

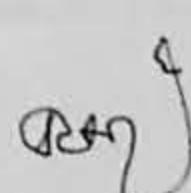
Conditions of Services of Supervisory and Non-gazetted) Rules, 4, 1989, a copy of which has been annexed as Annexure-2 to the O.A. A perusal of schedule to the rule would indicate that recruitment of 5% posts in the cadre of Naksha Navees (Draftsman) ~~are to be filled~~ <sup>is to be made</sup> by promotion from amongst Tracer and connected categories of employees who have put in three years of regular service. The representations, appears to have been rejected without proper self direction to the rules aforesated. In the circumstances, therefore, impugned order is liable to be set aside.

4. Accordingly the O.A. succeeds and allowed. The order dated 11.11.1998 issued by the Deputy General Manager/ Admin. on behalf of Maha Prabandhak as also the explanation contained in letter dated 11.11.1998 of the Headquarters are set aside. The respondents are directed to reconsider the applicants claim for promotion to the post of Draftsman/ Charge man Grade-II after proper self direction <sup>to</sup> ~~within~~ the rules aforesated within a period of three months from the date of receipt of a copy of this order.

No order as to costs.



A.M.



V.C.

Asthana/