

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 116 OF 1999

ALLAHABAD, THIS THE 12th DAY OF JANUARY, 2004

HON'BLE MR. V.K. MAJOTRA, V.C.  
HON'BLE MRS. MEERA CHHIBBER, J.M.

Shri Beer Singh 'B' Grade Boiler,  
T.No.3528/2679 Sec. MM,  
Ordnance Factory Muradnagar,  
Distt. Ghaziabad U.P.  
(Through Sh.V.P.S. Tyagi Advocate)

.....Applicant

(By Advocate : Shri V.P.S.Tyagi-Absent)

**V E R S U S**

1. Union of India through secretary,  
Ministry of Defence, New Delhi.
2. The Director General of Ordnance,  
MGO's Branch AHQ, DHQ, P.O. New Delhi.
3. The General Manager,  
Ordnance Factory,  
Muradnagar, Distt. Ghaziabad.
4. Chief Inspector of Boiler (U.P.),  
Department of Labour, Kanpur.
5. Chief Inspector of Boilers (Haryana),  
Yamuna Nagar, Haryana.

....Respondents

(By Advocate : Km. S. Srivastava)

**O R D E R**

By Hon'ble Mrs. Meera Chhibber, J.M.

By this Original Application, applicant has sought  
the following reliefs:-

"(a) that this Hon'ble Tribunal may kindly be  
pleased to direct the respondents No.3 for  
considering the applicant for higher promotion  
on the basis of requisite qualification and



....2/-

performance in examination to grade A and experience gained, on merit in accordance with the provisions of extant rules.

- (b) That the impugned show cause notice be directed to be withdrawn and explanation of the applicant thereto be considered on merit.
- (c) That any other relief deemed necessary and equitable be directed to be awarded in favour of the applicant against the respondents.
- (d) cost of this application be awarded in favour of the applicant against respondent No.3"

2. Today when the matter was called out, none appeared for the applicant even in the revised call. However, counsel for the respondents informed us that relief (b) has since been granted to the applicant as the show cause notice has been filed vide order dt 23.6.97 (Ansba CA II) R after dropping the same. As far as his first relief is concerned, it was submitted by the counsel for the respondents that applicant was initially appointed in the Ordnance Factory Murad Nagar on 29.05.1978 as Boiler Attendant 'C' in the pay-scale of Rs.210-290/- but thereafter he appeared in the departmental tests of Boiler Attendant 'B' at his own violation. After B, he passed the said trade test, he was promoted as Boiler Fitter 'B' as per his own violation in the pay scale of Rs.260-350/-(Revised by E.C.C. as Rs.260-400/-) w.e.f. 26.06.1982.

3. Applicant had earlier also filed O.A. No.1466 of 1989 at Principal Bench claiming therein direction to the respondents to promote him to the post of Boiler Attendant 'A' in the scale of Rs.1200-1500/- by virtue of his seniority from the date applicant's junior was promoted. But after hearing counsel, the Principal Bench held it is not possible to revert to the original post after he had gained promotion in the other channel as it is not permissible as per the administrative instructions. Accordingly, the said O.A. was dismissed vide order dated 07.04.1994. They have thus submitted that applicant cannot be allowed to re-agitate the same matter over and over again by filing different O.As in

B

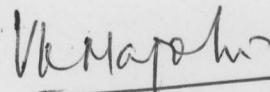
different benches. However, they have submitted that whenever vacancies in the trade of Boiler Fitter of higher Gr.'A' will become available, the applicant would be promoted in accordance with rules. They have thus submitted that the O.A. is devoid of merit, the same may therefore, be dismissed with costs.

4. We have perused the pleadings and heard the respondents counsel. It is seen that counter affidavit was filed in September 1999 after serving a copy on Shri V.P.S. Tyagi counsel for the applicant but applicant has not bothered to file any rejoinder till date. Meaning thereby that the averments made by the respondents have not even been rebutted by the applicant. Since Principal Bench of the Tribunal had already recorded the findings in applicant's earlier O.A. that once he had accepted promotion in a different trade, it is not open to him to seek going back to the same trade or change of trade after 17 years for the purpose of seeking further promotion in the said trade, we do not think, the applicant can re-agitate the same issue all over again in this O.A. Respondents have clearly stated that in the present trade which was accepted by the applicant whenever a vacancy becomes available, he shall be considered for the same in accordance with law. Therefore, no relief as prayed for by the applicant in relief No.(a), can be granted to the applicant.

5. In view of the above discussion, this O.A. is dismissed with no order as to costs.



Member (J)



Vice-Chairman

12.1.04.

shukla/-