

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 3rd day of March, 2005.

QUORUM : HON. MR. JUSTICE S. R. SINGH, V.C.
HON. MR. S. C. CHAUBE, A.M.

O.A. NO. 1000 of 2000

Ajai Kumar Srivastava, son of Late Sharda Prasad Srivastava, R/O H.No.117/148,
'M' Block, Kakadeo, Kanpur.

.....Applicant.

Counsel for applicant : Sri R. K. Shukla.

Versus

1. Union of India through the Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. The Secretary, Ordnance Factory Board, 10-A, Shaheed Khudi Ram Bose Road, Calcutta-1.
3. The Sr. General Manager, Ordnance Factory, Kalpi Road, Kanpur.

.....Respondents.

Counsel for respondents : Sri A. Sthalekar. Ratnakar Chaudhary

O R D E R (Oral)

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

Heard Sri R. K. Shukla, learned counsel for the applicant, Sri A.P. Singh holding brief of Sri A. Sthalekar, learned counsel for the Respondents and perused the pleadings.

2. The applicant herein, who was initially appointed as Majdoor in the Ordnance Factory, Kalpi Road, Kanpur, was promoted to the post of Junior Examiner against the existing Vacancy vide an order dated 25.5.1993 (Annexure A-6). It appears that in course of time, the applicant was designated as Examiner (Skilled) and has been working as such. By means of impugned order dated 19.8.1999, the post/category of the applicant and 23 others have been changed from Examiner (Skilled) to Machinist (Skilled). The impugned order is sought to be quashed inter alia on the ground that applicant is not well trained to perform the duties of Machinist (Skilled) and his post/designation has illegally been changed from Examiner (Skilled) to Machinist (Skilled). Learned counsel for the applicant has placed reliance on the decision dated 20.4.2004 of this Tribunal in O.A. No.727/2000 Shri B.D. Palit and 9 others Vs. Union of India and others whereby

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a similar order was set aside with direction to the Senior General Manager, Ordnance Factory, Kalpi Road, Kanpur to take back the applicants therein as Examiner Highly Skilled (as HS-I and HS-II were merged and designated as Highly Skilled). The O.A. is opposed on the ground that there were large number of expert Examiners in the Factory and due to upgradation of technology and use of NC/cnc Machines in place of conventional machines, there is less requirement of man power in the trade of Machinist due to increased requirements of Armaments by the Armed Forces that the General Manager of the Ordnance Factory, who is empowered to transfer an employee from one trade to another in public interest based on the actual functional requirement of man power in factory in various trades/grades, has passed the impugned order keeping in view the fact that due to general ban on recruitment by the Government of India on fresh induction of man power, it was not possible to recruit/induct more man power in the trade of machinist by way of recruitment and less requirement of man power in the trade of Examiner. It is also alleged in the Counter Affidavit that the Examiners, who have been converted in the trade of Machinist are carrying their seniority in the trade of Machinist from the date of holding the post in the respective trade and the interest of the concerned employees including the applicant has not only been protected but it has been advanced that the re-designation of the applicant as Machinist (Skilled) has been ordered in larger public interest and it is alleged that applicant has already joined and has been working satisfactorily. It is alleged that the order has been issued after giving due consideration to suitability of the applicant and others mentioned in the impugned order and all of them have joined their duties in the re-designated trade/grade in the new production shops and they have been working satisfactorily and have been meeting the production targets.

3. Having heard counsel for the parties and upon regard being to had the averments made in the Counter Affidavit that the General Manager is empowered to effect transfer of employees from one trade to another in public interest on the actual functional requirement of man power in the Factory in the various trades/grades and also upon regard being to had to the allegation that the applicant has been working satisfactorily and doing his job as Machinist under the supervisory staff, we are of the view that the impugned order is not liable to be interfered with but in view of the submission that a large number of Examiners (Skilled) are still working in the Factory and yet the applicants were arbitrarily picked up and chosen for transfer and re-designation and also in view of the decision by the Tribunal in O. A. No. 727/2000 dated 20.4.2004, we

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are of the view that it would meet the ends of justice if this O.A. is disposed of with a direction that in case the applicant prefers a representation for redressal of his grievances, the Senior General Manager, ordnance Factory, Kalpi Road, Kanpur shall look into the grievance of the applicant and take appropriate decision thereon within a period of two months from the date of receipt of the representation keeping in view the policy, if any, on which it was decided to effect transfer of certain man power from the trade of Examiner (Skilled) to the trade of Machinist (Skilled).

4. The O.A. is disposed of accordingly in terms of the above direction.

No order as to costs.



A.M.



V.C.

Asthana/