

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.1353 of 2003.

Allahabad this the 06th day of November, 2003.

Hon'ble Maj Gen K.K. Srivastava, A.M.
Hon'ble Mr.A.K. Bhatnagar, J.M.
Kripa Shankar Yadav,
s/o Late D.D. Yadav
aged about 58 years,
R/o 150, Fatehpur Bichua
District Allahabad.
211002.

.....Applicant.

(By Advocate : Sri K.P. Singh)

Versus.

1. Union of India
through Secretary,
Ministry of Defence
New Delhi.
2. The Secretary
Department of Personnel & Training
New Delhi.
3. The Chairman
Union Public Service Commission
New Delhi.
4. The Director General of EME (EME-Civ)
Master General of Ordnance Branch
Army Headquarters.
DHQ, P.O.-New Delhi-100011.
5. Commandant & M.D.
508, Army Base Workshop
Fort, Allahabad-5.
6. Officer In Charge
E.M.E. Records
Secunderabad.

.....Respondents.


(By Advocates : Sri R.C. Joshi |
Sri S Chaturvedi)

O R D E R

(By Hon'ble Maj Gen K.K. Srivastava, A.M.)

In this O.A., filed under section 19 of
Administrative Tribunals Act 1985, the applicant has
prayed for the following relief(s):

- (a) to issue necessary order to convene DPC for the
preparation of year wise panel for the promotion
of Foreman/Chargeman -I to Asstt. Engineer w.e.f.
October 2001 to fulfil the vacancies caused by
death/retirement.



- (b) to issue necessary order to modify the promotion order dated 09.04.03 & the applicant may be promoted as Assistant Engineer w.e.f October 2001 and Assistant Engineer Selection Grade w.e.f. 09.04.03.
- (c) to give the orders to fulfil the vacant 50% post of first category/four grade structure amongst the existing supervisory cadre.
- (d) to give necessary orders of the respondents to wave the condition of probation.
- (e) -----
- (f) -----

2. The facts, in short, are that the applicant was initially appointed on 07.01.1963 as Machinist Trainee. He completed two years probation period as Machinist Trades Man on 01.11.1967. The applicant was confirmed on 17.12.1970. After completion of 18 years, the applicant was appointed as Senior Chageman. He had already completed the probation period of two years which started on 12.06.1982. On 22.02.1988, the applicant was promoted as Foreman and was kept under probation for a period of two years. As per applicant it was third time that he was placed under probation. The applicant is aggrieved by order dated 09.04.2003, ^{by which} the applicant ^{has been ordered to be} promoted as Assistant Foreman and he has been ordered to undergo ⁴ years probation period which will come to an end on 30.04.2005.

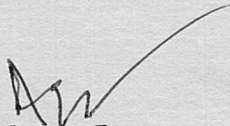
3. Grievance of the applicant is that though he was promoted as Foreman in the year 1988, the respondents have issued the order dated 09.04.2003 promoting him as Assistant Foreman. It is demotion and not promotion. The applicant has stated that the post of Foreman is the highest level/grade of 'Technical Supervisor'. It appears that the grade structure has been misinterpreted and he is not equated with the Assistant Engineers. This issue has been raised by All India Association of E.M.E. Supervisor Technical by ^{in filing} seeking a representation to respondent No.4 i.e., D.G.E.M.E, Army Headquarters, M.G.O's Branch, New Delhi-11. The representation is dated

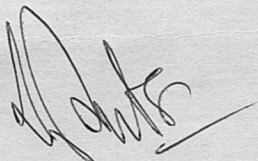
03.07.03 and has been filed as Annexure 4 as a part of Annexure 9. The applicant is aggrieved by the impugned order dated 09.04.03^{note hashr} made a detailed representation on 22.07.2003 (Annexure 9) before respondent No.5 i.e., Commandant & Managing Director, 508, Army Base Workshop, Fort, Allahabad-5.

4. In our considered opinion, it will be in the fitness of things if respondent No.4 i.e., Director General of E.M.E is directed to decide both representations in consultation with respondents No.2 and 3 by a reasoned and speaking order within specified period.

5. For the aforesaid, the O.A. is disposed of at the admission stage itself with direction to respondent No.4 i.e., Director General of E.M.E. Army Headquarters, New Delhi to decide the representations dated 03.07.03 and 22.07.2003 in consultation with respondents No.2 and 3 by a reasoned and speaking order within a period of four months from the date of communication of this order.

No order as to costs.


Member-J.


Member-A.

Manish/-