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O.A.No. 730/1995.

ORDER DATED 23-08-2002.

Heard learned Counsel for both sides and perused the records.

In this Application, the Applicant is seeking the following reliefs:

- i) the respondents be directed to accord promotion to the applicant to the post of Foreman(Junior);
- ii) the respondents be permanently restrained from reverting the applicant from the post of Foreman,incharge;
- iii) the respondents be directed to sanction and disburse the scale of pay attached to the post of Foreman from the date the applicant remained as I/c foreman i.e. from 20- 5-1991;
- iv) the order under Annexure-7 so far as it relates to the transport section be quashed.

So far as the relief regarding promotion to the post of Foreman is concerned, it is seen from the Recruitment Rules of the post of Foreman(JUNIOR), the feeder cadre of this promotion is Head mechanic with three years regular service in the grade, whereas the applicant had not fulfilled such criteria and as such he was not eligible for promotion to the post of Foreman(Jr.). So far as the second prayer of the applicant of reversion from the post of Foreman incharge, is concerned, it is clear from the records produced in the above case that the apply^{comt} had only been asked to lookafter the charge of the post of foreman pending the posting of qualified person against

Contd.order Dt.23-3-2002.

that post and on the joining of the person with relevant qualification and eligibility, the applicant has no right for the post. The third relief sought for is that for grant of scale of pay attached to the post of Foreman incharge. It is seen from the record that the applicant was looking after the work of Foreman w.e.f. 24-5-1991. It has been stated by the counsel for the Respondents that during this period, the applicant ^{was} _{only} drawing his pay in the cadre of Mechanic and that he is not being paid anything other than the above. In view of the fact that the applicant had continued to discharge the duties of foreman for a period of four years and above, we are of the view that there is a strong case for giving him certain compensation during the period he had worked as foreman incharge. Accordingly, the Respondents are directed to consider grant of some allowances in the form of charge allowances to compensate the applicant, during the period he ~~was~~ remained in charge of the of the post Foreman.

Since on merits, we found nothing in favour of the applicant to direct the Respondents to absorb the applicant as a Foreman, the prayer of the applicant made in MA No. 602/96 to implead the new foreman or to stay the appointment of the said new foreman stands dismissed.

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4
O.A.NO. 730/95

Contd...order... Dt. 23.3.2002.

With the above observations, this O.A. is
disposed of. No costs.

Manoranj
23/03/2002
(MANORANJAN MOHANTY)

MEMBER (JUDICIAL)

V. Srikant
(V. SRIKANTAN)
MEMBER (ADMINISTRATIVE)