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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 777 OF 1995
Cuttack this the 27th day of August/02

Janardan Behera

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Applicant(s)

-VERSUS-

Union of India & Others

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Respondent(s)

FOR INSTRUCTIONS

1. whether it be referred to reporters or not ? W.
2. whether it be circulated to all the Benches of the No
Central Administrative Tribunal or not ?

M. R. Mohanty
27/08/2002
(M. R. MOHANTY)
MEMBER (JUDICIAL)

V. Srikanth
(V. SRIKANTAN)
MEMBER (ADMINISTRATIVE)

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(b)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 777 OF 1995
Cuttack this the 27th day of Aug./2002

CORAM:

THE HON'BLE MR. V. SRIKANTAN, MEMBER (ADMINISTRATIVE)
AND
THE HON'BLE MR. M. R. MOHANTY, MEMBER (JUDICIAL)
...

Janardan Behera, aged about 44 years,
S/o. Late Chintamani Behera, presently
working as Tradesman C, Ticket No. 637,
Equipment wing, Proof & Experimental
Establishment, Chandipore, Balasore -
a permanent resident of village: Aladia,
PO: Ranasahi, District-Balasore

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Applicant

By the Advocates

M/s. Biswajit Mohanty
S. Patra

-VERSUS-

1. Union of India represented through Secretary to Govt. of India, Ministry of Defence, South Block, New Delhi
2. Scientific Advisor & Director General of Research & Development, Defence Research & Development Organisation, B wing, Sena Bhawan, New Delhi
3. Commandant, Proof & Experimental Establishment, Defence Research & Development Organisation, Chandipore, District : Balasore
4. Chittaranjan Bhoi, Tradesman B, Ticket No. 722, Equipment wing, Proof & Experimental Establishment, Chandipore, Balasore

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Respondents

By the Advocate

Mr. U. B. Mohapatra,
Addl. Standing Counsel
(Central)

O R D E R

MR. V. SRIKANTAN, MEMBER (ADMINISTRATIVE) : Heard Shri Biswajit Mohanty, the learned counsel for the applicant and Shri U. B. Mohapatra, the learned Addl. Standing Counsel appearing on behalf of the Respondents.

2. In this case, the applicant joined as Helper on 31.05.1971 whereas Respondent No. 4 joined as Helper on

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1.3.1979. Thereafter the applicant was appointed as Semi Skilled Industrial Employee on 25.7.1983, whereas Res. No.4 was appointed as Semi Skilled Industrial Employee on 16.11.1983. Subsequently, all the Industrial employees in the scale of Rs.210-290/- belonging to Semi Skilled category were designated as Tradesman E and therefore, a common seniority list was prepared. The name of the applicant figures at Sl. No. 22 whereas name of Res. No.4 figures at Sl. No.25. Thereafter 11 Tradesman E were upgraded from Semi Skilled category to Skilled category being designated as Tradesman C vide letter dated 15.10.1984(Annexure-A/3) and Res. No.4 was also included in the category of Tradesman C vide letter dated 28.12.1984(Annexure-A/4), whereas the applicant was not included in the upgraded category of Tradesman C. A Committee was appointed, which recommended that all Tradesman E borne on the strength of D.R.D.O. as on 15.10.1984, irrespective of their job titles should be upgraded as Tradesman C. When no action was taken on the report of the Committee, some of the employees approached the Hyderabad Bench of the Tribunal in O. A.363/88, which directed that the scale of Rs.260-400/- was applicable to Tradesman C should be given w.e.f. 15.10.1984. The Respondents, however, appeared in that O.A. before the Hyderabad Bench. The Respondents carried the matter in appeal before the Hon'ble Supreme Court and the appeal was dismissed by the Hon'ble Supreme Court on 15.11.1989. Even thereafter the Respondents did not take any action in giving the benefit of the scale of Rs.260-400/-. The applicant, thereafter

along with others filed O.A.455/92, which was disposed of by this Tribunal on 3.5.1994, by allowing the O.A. Thereafter the applicant was placed in the pay scale of Rs.260-400/- 15.10.1984, for the purpose of seniority. In the meanwhile, Respondent No.4 was promoted to the post of Tradesman B w.e.f. 6.8.1993. On coming to know the promotion of Respondent No.4 to the post of Tradesman B, the applicant submitted a representation on 20.9.1994 (Annexure-A/7) and again on 14.7.1995(Annexure-A/8). When no action was taken by the respondents on the representations of the applicant, he filed this Original Application for convening a review D.P.C. for considering his promotion to the post of Tradesman B, which is a non selection post, and in view of the fact that his junior (Res. No.4) has been promoted to that post.

3. The facts as mentioned by the applicant are not disputed. The only point is that Respondent No.4 was promoted earlier in the year 1993 to the post of Tradesman B and the applicant could not get the benefit earlier. Because of his placement in the grade of Tradesman C in the scale of Rs.260-400/- w.e.f. 15.10.1984 vide order dated 1.7.1994(Annexure-A/5) the applicant cannot lose his seniority over Res. No.4. In this view of the matter, the applicant is entitled to be promoted to the post of Tradesman B, w.e.f. the date Res. No.4 was so promoted. Accordingly, this Original Application is disposed of with a direction to Respondents to consider the case of the applicant for promotion to the post of

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Tradesman B w.e.f. the date his junior (Res. No.4) was so promoted. This exercise shall be completed within a period of three months from the date of receipt of copies of this order. No costs.

Yadav
27/08/2002
(M. R. MOHANTY)
MEMBER (JUDICIAL)

V. Srikanth
(V. SRIKANTAN)
MEMBER (ADMINISTRATIVE)

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