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CENTRL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH.

ORIGINAL APPLICATION NO. 250 OF 1996Cuttack, this the 8th day of November, 2002

Srihari Jena

.....

Applicant

Vrs.

Union of India and others

.....

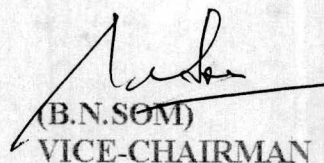
Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? ND
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? ND



(A.S.KHAN)
MEMBER(JUDICIAL)



(B.N.SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI A.S.KHAN, MEMBER(JUDICIAL)

Srihari Jena, T.No. 376, Equipment Wingh, Proof & Experimental Establishment,
Chandipore, Balasore Applicant

Advocates for applicant - M/s B.K.Sahu & K.C.Sahu

Vrs..

1. Union of India, represented by Scientific Advisor to the Ministry of Defence and Director General, Research and Development Organisation, Ministry of Defence, DHQ, New Delhi 110011.
2. Commandant, Proof & Experimental Establishment, Chandipore, Balasore.
3. Budhiram Behera, T.No.383, Confidential Cell, Proof & Experimental Establishment, Chandipore, Balasore.

..... Respondents.
Advocate for respondents - Mr.A.K.Bose, Sr.S.C.

ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

1. This Original Application has been filed by Shri Srihari Jena seeking direction of the Tribunal to respondent nos. 1 and 2 to give him promotion at par with respondent no.3 Budhiram Behera, thereby maintaining the seniority of the applicant above respondent no.3.
 2. Facts of the case are that the applicant was appointed as Unskilled Labourer with effect from 16.1.1973 in the Proof & Experimental Establishment, Chandipore. From 1.1.1973 he was working in the scale
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of Rs.196-232/- with Special Allowance of Rs.10/-, which was subsequently merged in the pay scale. He was granted revised scale of Rs.210-290/- as a Semi-skilled Labourer with effect from 16.10.1981. Later on, his post was designated as Tradesman-E. Soon thereafter with effect from 1.12.1981 respondent no.3 became Junior Examiner (Tradesman-E) and was promoted as Tradesman-C in the scale of Rs.260.400/-. The said respondent no.3 was further promoted on 24.6.1992 as Tradesman-B and on 17.8.1995 as Tradesman-A. The Government of India upgraded all Tradesmen-E to the scale of Rs.260-400/- with effect from 15.10.1984 and the applicant also got the benefit of higher scale with effect from 15.10.1984, but that order was issued by respondent no.2 only on 9.5.1994. Soon thereafter respondent no.3, who was earlier junior to the applicant, was promoted to Tradesman-A. The applicant averred that although respondent no.2 by his order, dated 9.5.1994, gave retrospective effect to the applicant's placement in the higher scale of Rs.260-400/-, he did not hold Review DPC to promote the applicant to the higher grades as a consequence thereof. The applicant's plea is that had he been upgraded to Tradesman-C with effect from 15.10.1984, he would have got a place above respondent no.3 in the seniority list and he would have also got promotion to Tradesman-B and Tradesman-A, along with respondent no.3. The applicant has also represented to the Commandant, Proof & Experimental Establishment, Chandipore, ventilating his grievance that respondent no.3 was enjoying the benefit of higher grades although he was not senior to him (applicant)

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in the basic grade, as respondent no.3 was appointed as Unskilled Labourer later than him.

3. The departmental respondents, in their counter as also through their Senior Standing Counsel, Shri A.K.Bose, have not disputed the facts of the case, as stated by the applicant. It has, however, been pointed out by them in the counter as well as by the Senior Standing Counsel in his oral submissions that the seniority list of Tradesman-C, to which the applicant was promoted in the year 1994, could not be finalised as a number of officials in Tradesman-C filed cases challenging the upgradation of the pay scale made as per the order, dated 9.5.1994, under Annexure-1. One such case was O.A.No.306 of 1995. However, it has been stated by the Senior Standing Counsel that the said O.A.No.306 of 1995 has since been disposed of by the Tribunal on 18.6.2001, rejecting the application and thereby making the path clear for holding the Review DPC to prepare year-wise promotion list for giving promotion from Tradesman-C upwards. Once the Review DPC work is complete, learned Senior Standing Counsel stated, the applicant would also get the relief that he has been agitating for.

4. In view of the aforesaid assurance of the learned Senior Standing Counsel, appearing for the departmental respondents, and in view of the fact that O.A.No.306 of 1995, in which the seniority list was challenged, has since been disposed of, there is no hindrance standing in the way of holding the Review D.P.C. for career progression of the officials, like the applicant, we hereby direct respondent nos. 1 and 2

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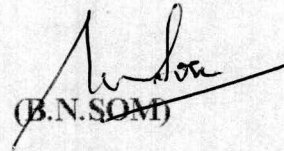
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to hold the Review D.P.C. without loss of time and complete the process within the shortest possible time. In the circumstances, this Original Application succeeds. No costs.



(A.S.KHAN)

MEMBER(JUDICIAL)



(B.N.SOM)

VICE-CHAIRMAN

CAT/CTC/8.11.2002

AN/PS