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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH,CUTTACK

O.A.NO. 86 OF 1998
Cuttack, this the 3rd day of March,2004

Bhaskar Majhi

Applicant

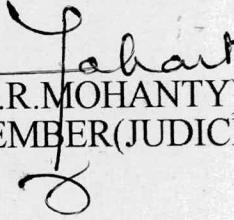
Vrs.

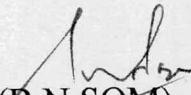
Union of India and others

Respondents

FOR INSTRUCTIONS

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


(M.R.MOHANTY)
MEMBER(JUDICIAL)


(B.N.SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,
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CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDICIAL)

.....

Bhaskar Majhi, aged about 41 years, son of late Trinath Majhi, working as Vulcaniser (Semi Skilled), Motor Transport, INS, Chilka

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Applicant

Advocate for the applicant - M/s D.N.Mishra & S.K.Panda

Vrs.

1. Union of India, represented through the Flag Officer, Commanding in chief, Headquarters Eastern Naval Command, Vishakhapatnam.
2. The Commanding Officer, INS,Chilka, P.O.Chilka, Dist.Khurda (Orissa)

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Respondents

Advocate for the Respondents - Mr.A.K.Bose, Sr.CGSC.

O R D E R

SHRI B.N.SOM, VICE-CHAIRMAN

Shri Bhaskar Majhi, the applicant has filed this Original Application ventilating his grievance to the effect that he was not allowed by the Respondents to hold the post of M.T.Fitter/Fitter (Auto) (Skilled) which is available in INS, Kalyani and C.N.T.W. (V) though he is suitable for the post.

2. Briefly stated, the applicant after joining as Unskilled Labour on 19.2.1980, was appointed as Vulcaniser in Semi-skilled grade in 1982. He passed trade test of Mechanic (M.V.) in January 1986 and was awarded

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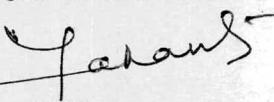
National Trade Certificate which made him eligible for further promotion to the skilled category. In 1989, he qualified himself for the post of Fitter (MT)(Skilled). On 11.10.1996 he came across a circular notifying that one post of M.T.Fitter/Fitter (Auto) (Skilled)was available at INS, Kalyani and C.N.T.W.(V). He volunteered for the post. He was called for interview/trade test. He was officially sent for the post,vide office order dated 13.12.1997. But he was not selected on the plea that he was a departmental candidate. His case is that as he has the necessary qualification, he could not have been left out of the selection as a direct recruit on the mere ground that he was a departmental candidate.

3. The Respondents, while admitting the facts of the case, have stated that the applicant has misrepresented the vital facts of the case. Firstly, promotion to any post in any Ship is confined to the employees of that particular Ship/Unit only. As the applicant belongs to INS, Chilka, he cannot demand promotion to a post either in INS, Kalyani or any other Unit. He had made several representations which were duly disposed of by the authorities by informing the Commanding Officer, INS, Chilka, to apprise the applicant that by virtue of his clearing departmental qualifying examination once, he will not be required to appear again for the above examination for his promotion, but that he will get his promotion in turn in his own Unit only. Secondly, regarding his appearing in trade test for the post of M.T.Fitter (Skilled) in INS Kalyani, Visakhapatnam, it was made clear to him that as he had applied for the post, he was allowed to compete for the same as a candidate for direct recruitment.

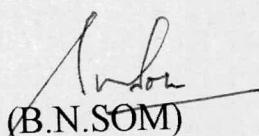
✓

However, he could not be selected on the basis of merit. Lastly, he was also duly informed that as per the existing Recruitment Rules for M.T.Fitter, the post of Vulcaniser (a post which he holds) being not a feeder post, he cannot claim promotion to that post. Further, there is no element of promotion to M.T.Fitter (Skilled) ^{Post} from any feeder grade ,and that this post is filled up by direct recruitment only. In fact, it is the Respondents, who had advised the applicant to apply for the post as a candidate for direct recruitment, which he did without success, as stated earlier.

4. We have heard the learned counsel for both the sides and have perused the records placed before us. As the Respondents had apprised the applicant repeatedly about method of filling up of the post of M.T.Fitter/Fitter (Auto) and the mode of appointment to the post of Fitter (Auto) (Skilled) by their letter dated 3.7.1997 (Annexure R/3), letter dated 30.3.1996 (Annexure R/4) and letter dated 22.4.1996 (Annexure R/5), over and above what they have submitted in their counter, we see lot of force in the submission of the learned counsel for the Respondents that the grievance ventilated by the applicant is misconceived and therefore, this Original Application is dismissed, being devoid of merit. No costs.


(M.R.MOHANTY)

MEMBER(JUDICIAL)


(B.N.SOM)

VICE-CHAIRMAN