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OA. NO. 361/01

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For admission and hearing.

Mr Bench
5/4/04

For admission and hearing.

Mr Bench
18/5/04

For admission and hearing.

Mr Bench
22/6/04

For admission and hearing.

Mr Bench
29/6/04

For admission and hearing.

Mr Bench
5/8/04

Order dated 16.09.2004.

Held in Part.

Admitted to 14.10.04 Mr. P.K. Mondal
L. counsel for Respondent - 5 called upon
to produce the return - return on the

day. 1/10
Member B

Vice Chairman.

Order dated 14.10.2004

This O.A. was filed by Shri T. Madhava Rao ventilating his grievance that some of his colleagues and juniors had been promoted as Fitter Grade-III, but his case was not considered in spite of submitting several representations by him to the higher authorities. In the circumstances he has approached the Tribunal with a prayer to interfere in the matter and issue a direction to the Respondents to give him the promotion to the post of Fitter Grade III w.e.f. the date his juniors had been given the promotion to the said post.

The applicant has particularly raised his voice about promotion of Res.No.5 to the Grade of Fitter Gr.III alleging that whereas he has been denied the opportunity to appearing for the said post being medical category C-I, Res.No.5 who is also got medical category C-I has been promoted to that grade.

The Respondents by filing counter have denied the allegation. Their contention is

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For admission and
hearing.

Bench

NY
26/8/01

that the applicant could not be called for trade test as he did not have requisite medical categorisation; on the other hand Res.No.5 who is junior to the applicant, he could be given promotion in the normal channel of promotion to the post of Fitter Gr.III, on being ^{found} suitable, in the Grade-III.

From the above discussion, it appears due to medical categorisation of the applicant from B-I at which category he was inducted into service to C-I, he had to face reversion from the post of Shed Khalasi to Peon. On the other hand, S.K.Biswakarma continued to remain in the category of Shed Khalasi and later on after passing the trade test obtained promotion to the post of Fitter Gr-III. To verify the allegation regarding medical categorisation of the applicant and Res.No.5 we had also called for the service book of both the individuals and ^{we} ~~by~~ found that the applicant had been categorised as B-I at the time of initial appointment and C-I during the years 1994. On the other hand, Res.No.5 was categorised as B-I in 1981 and thereafter there has been no change in this medical categorisation as per the entries available in the service book. In the ^{face of these} facts of the case, it is clear that the applicant having not been able to challenge ^{that} he was not ⁱⁿ any medical category C-I, he could not have any claim for consideration for the post of Fitter Gr-III for which he was required to retain his position in the basic cadre of Shed Khalasi. That having ^{not} been the fact

For admission and
hearing.

Bench

NY
13/9/01

For admission and
hearing.

Bench

NY
15/9/01

For admission and
hearing. (P/H)

Bench

NY
13/10/01

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Copy of order dt-14/10/04
issued to the Council
for both side.

Sh. 11/10/04
S.O.

10/10/04
27/10/04

of the matter, this O.A. is disposed of ^{being} with-
out Merit.

Before closing, we would like to point out
that the Respondents are directed to look
into the substance of allegation made by the
applicant that Res.No.5 was not put ⁺ the
medical test after 1981 although according
to him medical categorisation of staff in all
operating departments is subject to medical
examination ^{once in} every five years.

Accordingly, This OA is disposed of.

Member (Judicial)

Vice-chairman 14/10