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O.A. No. 588/04

ORDER DATED 23rd JULY, 2008

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

This is a matter of 2004. This Original Application is filed with the following prayer:

“ The applicant prays for a direction from the Hon'ble Tribunal directing the respondents to consider his case for promotion and direct the respondents to prepare a fresh seniority list of the employees taking into consideration of the first date of the appointment of the applicant in the year 1990 and to quash the revised seniority list prepared under Annexure-A/10 Series as well as the rejection of the representation under Annexure-A/12.”

2. This Original Application is filed on 02.09.04.

Thereafter the case was posted for hearing for several days and ~~reasonably~~ ^{recently} this case was posted for hearing on 24.06.08, 30.06.08, 08.07.08 and finally today. The applicant, as per averments in this O.A. was appointed as Wireman with a starting pay scale of Rs.800/- per month in the pay scale of Rs.800-15-1010-EB-20-1150/- with some additional payments on 04.06.1990. Subsequently though he was terminated from service on police verification, he was reinstated in service subsequently and continuing as such. The present grievance of the applicant is that the department had drawn a seniority list of workers (skilled) including Wireman. Though he ~~was~~

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appeared for the trade test on the basis of the seniority list he has not ^{been} given promotion. Hence he filed this O.A. The further case of the applicant is that though he had represented this matter several times the authorities have slept over this matter.

3. We heard the Ld. Counsel representing the Respondents and had perused the records produced along with the application and considered the averments in the O.A.

4. The claim of the applicant is that he is entitled for promotion on the basis of the seniority list and on the basis of the trade test he had undergone. But as per the averments as it is alleged that the applicant is not found promoted to the post and it was alleged further that the rules of promotion of Ordnance Factory Recruitment Rules, 1989 has been ^{not} followed. But the applicant had not produced any documents to show that any rules of recruitment ^{has been} ~~which is~~ violated by the authorities. Apart from that the applicant wants to interfere with the promotion effected from w.e.f. 1990 rather the application is a belated one. Even if the applicant is representing the matter the same is attended by the authorities properly and in the above circumstances the applicant fails to prove his claim to allow this O.A. The counter filed on behalf of the Respondents would also show that actually the applicant had ^{been} given all consideration taking into the fact ^{that} ~~as~~ he belongs to Scheduled Caste community in the matter of promotion. It is further stated in the counter that the seniority list now prepared by the department in accordance with the rules of promotion

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and the applicant has been promoted to the skilled grade on 11.07.2000 and he has been placed accordingly the seniority list. With regards to the claim for the applicant that he ought to have been given the seniority from 1990 onwards, ~~But~~ the fact remains ^{that} as service was terminated ~~and~~ he is not entitled for the seniority from 1990. Considering the contentions raised in the counter and the materials now placed before this Tribunal we are of the view that this O.A. is meritless and is liable to be dismissed. Accordingly this O.A. stands dismissed.

No costs.

Member (A)

MEMBER (J)