

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

C.A. NO. 884 OF 2003
Cuttack, this the 23rd day of Sept., 2004.

Suresh Chandra Moharana.

Applicant.

-Vrs.-

Union of India & Ors.

Respondents...

FOR INSTRUCTIONS

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

(B.N. SOM)

Vice-Chairman

(M.R. MOLANTY)

Member (Judicial)

23/09/04

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 884 of 2002
Cuttack, this the 23rd day of September, 2002

C O R A M:

THE HONOURABLE MR. B.N. SOM, VICE-CHAIRMAN
A N D
THE HON'BLE MR. M.R. MOHANTY, MEMBER (JUDL.)

SRI SURESH CHANDRA MOHARANA,
Aged about 31 years,
S/o. Gunanishi Moharana,
presently working as Carpenter (Skilled),
Senior Quality Assurance Establishment (A),
Ministry of Defence, At/Po: Badmal,
District-Bolangir. Applicant.

By legal practitioner: M/s. Biswajit Mohanty-I,
Sadasiv Patra,
Ashutosh Panda,
P.K. Majhi,
Advocate.

-Vrs.-

1. Union of India represented by
Secretary, Ministry of Defence,
NEW DELHI.
2. Director,
General Quality Assurance,
D.G.Q.A. (Adm. 1C),
Govt. of India,
Ministry of Defence,
Department of Defence Production & Supplies,
HQ, New Delhi-110 011.
3. Senior Quality Assurance Officer,
Senior Quality Assurance Establishment (A),
Ministry of Defence (D.G.Q.A.),
PO: Badmal, Dist. Bolangir.

By legal practitioner: Mr. A. K. Bose,
Sr. St. Counsel (Central)

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):

In this Original Application (filed under section 19 of the Administrative Tribunals Act, 1985) the Applicant Suresh Chandra Moharana has raised a grievance that though the Respondents had called for names of candidates from the Employment Exchange for the post of Skilled-Carpenter (in response to which the name of the Applicant was sponsored from the Employment Exchange to face recruitment for the said post) and although he faced the selection for the post, in question, the Respondents appointed him as a Semi-skilled Carpenter under Annexure-2 dated 7th October, 1996; as a result of which he (Applicant) sustained financial loss.

2. Respondents, by filing their counter have disclosed that the post of Skilled Carpenter being a promotional post/grade (among the Carpenters) and the post of Semi-skilled Carpenter being the feeder post/grade under the Recruitment Rules, the post of Skilled Carpenter was not available to be filled up at the first instance, by direct recruitment and that in the requisition sent to the Employment Exchange, the post of Skilled Carpenter was wrongly notified and that merely because the vacancy was notified to be Skilled Carpenter in the requisition to Employment Exchange, it did not confer any

legal right on the Applicant to be appointed as Skilled Carpenter. The Respondents have further submitted that the Applicant having accepted the offer of appointment (to be engaged as Semi-Skilled Carpenter) without any objection, he is estopped to raise any objection now. The Respondents have also disclosed that, in due course, the Applicant was given promotion as Skilled Carpenter (on the recommendation of the Departmental Promotion Committee) with effect from 11-10-1999 and that, therefore, his grievances, raised after a lapse of years, is not sustainable.

3. We have heard Mr. S. Patra, Learned Counsel appearing for the Applicant and Mr. A. K. Bose, Learned Senior Standing Counsel appearing for the Respondent-Department and perused the materials placed on record.

4. It appears that an offer of appointment was given to the Applicant (under Annexure-2 dated 07-10-1996) asking him to join as Semi-Skilled Carpenter as against an existing vacancy in the pay scale of Rs.800-15-1010-EB-20-1150/- and he accepted the same and continued to serve the Respondents' organisation as such till he was promoted to the post of Skilled Carpenter under Annexure-A/3 dated 1st November, 1999 and, long thereafter, he raised a grievance (in his representation dated 25.09.2001) claiming his initial appointment, in the year 1996, to be Skilled Carpenter; which was rejected under Annexure-A/4 dated 17-01-2002.

10

5. We have given our anxious consideration to various submissions made by the parties with reference to the averments made in the Original Application, counter, and rejoinder etc. On consideration, we are convinced that there are no sustainable grounds in this Original Application to grant the reliefs claimed by the Applicant; because he accepted the offer of appointment issued in the year 1996 and joined the post of Semi-skilled Carpenter and, therefore, he is estopped to raise his objection, at this belated stage (which he is doing long after obtaining promotion in the year 1999) as at no point of time till 2001, he made any such grievance.

6. Therefore, having faced the selection for the post of Carpenter, having accepted the offer of appointment for the post of Semi Skilled Carpenter and having joined the post in question, the Applicant is estopped under law to raise, at this belated stage, any claim for the post of Skilled Carpenter (which is a promotional post) right from 1996.

7. In view of the above, we find no merit in this Original Application; which is accordingly dismissed.

No costs.


(B.N. Sasm)
Vice-Chairman


(M.R. MOHANTY)
Member (Judicial)