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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.370 of 2007
Cuttack, this the 11th day of March, 2011


Pravakar Khatua Applicant


-v-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not? ☒
2. Whether it be circulated to Principal Bench, Central Administrative Tribunal or not? ☒


(A.K.PATNAIK)
Member(Judl)


(C. R. MOHAPATRA)
Member (Admn.)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A No. 370 of 2007

Cuttack, this the ~~11/11~~ day of ~~March~~, 2011

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

A N D

THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

Pravakar Khatua, aged about 55 years, Son of Late Baidhar Khatua, At-Bauripada, PO-Bariha, PS-Simulia, Dist. Balasore, at present working as Alinger (Technical-III), Section Engineer, Mail Wright Organization, East Coast Railway, for the time being working in the office of PWI Jajpur Keonjhar Road, At/Po/Ps-Jajpur Road, Dist. Jajpur.

.....Applicant

By legal practitioner: M/s.Jibanananda Mohanty, S.Patnaik, Counsel

-Versus-

1. Union of India represented through its General Manager, East Coast Railway, Having Head Office at Rail Bihar, Chandrasekharapur, Bhubaneswar, Dist.Khurda.
2. Senior Divisional Personnel Officer, East Coast Railway, Khurda Road, At/Po.Khurda Road, Dist. Khurda.
3. Section Engineer, Mill Wright Organisation, East Coast Railway, At/Po/Ps/Dist. Cuttack.
4. P.W.I, Jajpur Road, East Coast Railway, At/Po/PS.Jajpur Road, Dist. Jajpur.

.....Respondents

By legal practitioner: Mr.S.K.Ojha, SC


ORDER

MR. C.R.MOHAPATRA, MEMBER (ADMN.):

The prayer of the Applicant is for direction to the Respondents to promote him to the post of Chipper/Aligner, Technical Grade II with anti dated effect as his friends and juniors have meanwhile been given two promotions.

2. Respondents filed their counter in which it has been stated that none of the juniors of the Applicant has been promoted in

superseding the claim of the Applicant. The applicant has filed this OA on conjecture and surmises. It has been stated that the welding unit of Civil Engineering Department (Civil Engg. Dept) is constituted with different trades like welder, m^ulder, Aligner, Chipper and Lutter. The category/trade of Hammerman does not exist in Civil Engineering Department any more. Each and every category/trade in Civil Engineering Department has got a separate cadre with certain job specifications and responsibilities. Separate seniority list is maintained in each category/cadre/trade and there is no common seniority list. The posts are not interchangeable amongst themselves under normal circumstances. Length of service in the feeder grade is not the only criteria for promotion. Many factors are required to be taken into consideration such as availability of vacancy, roster, position in the seniority list of each cadre. Applicant could not be promoted earlier as his position in the seniority list does not bring him within the zone of consideration within the vacancy in his cadre. The hierarchy of promotion provided in the Rules is from Tech (Aligner) Gr.III to Tech (Aligner) Gr.II then Gr.I and so on. Tech (Welder) Gr.III will be promoted to Tech. (Welder) Gr.II then Gr.I and so on. Likewise Tech. (Moulder) (Lutter) Gr.III will be promoted to Tech. (Moulder) (Lutter) Gr.II then Gr.I and so on. The incumbents in category/trade of Tech. (Welder) Gr.III cannot claim promotion to Tech. (Aligner) Gr.II or to any other Trade though he is senior in respect of their period of service in his




trade/category. Annexure-R/8 to R/11, the seniority list of Artisan staff working under AEN/CTC, would reveal that Shri Sarangadhar was promoted to the higher post in the category of Tech. (Aligner) Gr.II & Gr.I. No junior of the applicant has been promoted to the higher post in the category of Tech (Aligner) Gr.II & I. Further it is submitted that if any junior has been promoted, according to the Applicant, he should have made the same person as party Respondent in this OA. The Applicant having not done so, this OA is liable to be rejected.


3. However by filing copy of the order dated 25.6.2009 it was brought to the notice by the Respondent's counsel that meanwhile the applicant has been promoted to Technician Gr.II.

4. Reiteration of the arguments having been heard, perused the materials placed on record. In view of the stand taken in the counter and in view of the order dated 25.6.2009 showing promotion of the applicant to Technician Grade-II, we find no reason to proceed further in the matter especially on the basis of vague and bald statement that juniors have been promoted earlier without making any such juniors as party Respondents in this OA.

5. For the discussions made above, we find no merit in this OA.

This OA stands dismissed. No costs.


(A.K.PATNAIK)
Member(Judl.)


(C. R. MOHAPATRA)
Member (Admn.)