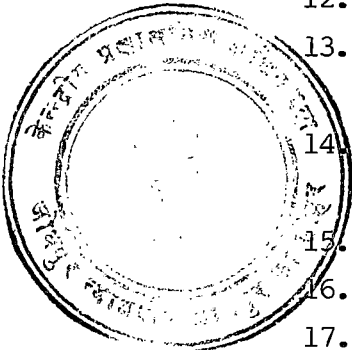


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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order: 22.08.2000.

O.A. No. 191/1998

- 
1. Talsa Ram son of Shri Kesaji aged 45 years, Electrician.
 2. Mohd Safi son of Shri Mohd. Yasin aged 40 years, Electrician.
 3. Omkar Bharti son of Shri Vachan Bhart aged 32 years, Electrician.
 4. Ram Singh Tyagi son of Shri Narayan Singh aged 38 years, Electrician.
 5. Puran Giri Goswami son of Shri Jeevgiri aged 40 years, Electrician.
 6. Chandu Lal son of Shri Kishan Lal aged 38 years, Electrician.
 7. Gena Ram son of Shri Pannaji aged 32 years, Electrician.
 8. Pappu Kumar son of Shri Magan Lal aged 38 years, Electrician.
 9. Ajit Singh son of Shri Kanti Singh aged 32 years, Electrician.
 10. Ganesh Lal son of Shri Natha Lal aged 30 years, Electrician.
 11. Heera Lal son of Shri Sohan Lal Meena aged 43 years, Fitter, General Mechanic.
 12. Deva Ram son of Shri Balaji aged 46 years, Electrician.
 13. Gaje Singh son of Shri Devaji aged 45 years, Fitter, General Mechanic.
 14. Sujan Singh son of Shri Vanaji aged 45 years, Fitter, General Mechanic.
 15. Dhanna Ram son of Shri Ganesh aged 43 years, Pipe Fitter.
 16. Mana Ram son of Shri Pethaji aged 43 years, Fitter, General Mechanic.
 17. Chandu Lal son of Shri Kalooji aged 43 years, Fitter, General Mechanic.
 18. Prem Singh son of Shri Sohan Singh aged 42 years, Fitter, General Mechanic.
 19. Dhannaji son of Shri Pithaji aged 42 years, Fitter, General Mechanic.
- (All working in the office of G.E., Air Force, Mt. Abu, District Sirohi.)

... Applicants.

v e r s u s

1. Union of India through the Secretary to the Government, Ministry of Defence, New Delhi.
2. Chief Engineer, Southern Command, Pune.
3. Chief Engineer, Jaipur Zone, Power House Road, Jaipur.
4. Commander Works Engineer (Army), Jaipur.
5. Commander Works Engineer (Army), Jodhpur.
6. Commander Works Engineer (Air Force), Jodhpur.

... Respondents.

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Mr. Vijay Mehta Counsel for the applicants.

Mr. S.K. Nanda, Counsel for the respondents.

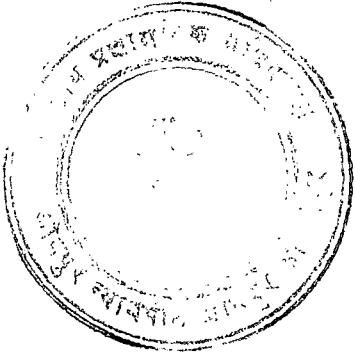
CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman.

Hon'ble Mr. Gopal Singh Administrative Member.


: O R D E R

(Per Hon'ble Mr. Justice B.S. Raikote)



This application is filed for a direction to the respondents to publish the seniority list of skilled workmen for the purpose of promotion to the post of Highly Skilled Grade II. There is a further prayer that there should be a direction to arrange trade test / D.P.C for the purpose of promotion of the applicant to the post of Highly Skilled Grade II from the date when their juniors were granted promotion to that post.

2. Learned counsel for the applicants contended that except the applicant No. 1 Tulsa Ram, all other applicants have been working as Skilled Workman as on today. So far as the applicant No.1 Tulsa Ram is concerned, it is submitted that he was promoted in the Highly Skilled Grade II on 21.7.92. Therefore, this application is not pressed so far as the applicant No.1, Tulsa Ram, is concerned. Regarding other applicants, it is contended that some of their juniors have been promoted to the post of Highly Skilled Grade II ignoring the names of the applicants. Learned counsel for the applicants further submitted that if the seniority list of the Skilled Workman was to be issued, the things would have been different and no junior could have been promoted. During the course of arguments, the learned counsel for the respondents has produced



the proceedings dated 27.4.2000 vide Annexure R/2, stating that now a seniority list has been prepared. Therefore, this application has become infructuous. He further submitted that no junior has been promoted to the next cadre, as claimed by the applicants. Therefore, there are absolutely no merits in this application and the same deserves to be dismissed.

3. Now the short controversy before us is that whether the seniority list pertaining to Skilled Workman was prepared and published or not. Learned counsel for the respondents stated that vide Annexure R/2, referred to above, such seniority list has been finalised and in all probability, it has been published. But as per the notings in Annexure R/2, we feel that this seniority list has been prepared only with reference to this case and no material has been produced before us showing that the such seniority list has been published after inviting the objections from the concerned officials. The said seniority list vide Annexure R/2 has been prepared just to meet the requirement of this case. Therefore, we are of the opinion that so far the department has not finalised the seniority list of skilled workman and Annexure R/2 is a draft seniority list and unless the objections of the applicants and other similar persons are invited and considered, this list does not become final.

4. In this view of the matter, we think it appropriate to dispose of this application with a direction to the respondents to publish the seniority list of the Skilled Workman in accordance with law. Accordingly, we pass the order as under:-

5. The application is allowed. The respondents are directed to finalise the seniority list pertaining to Skilled Workman after publishing the provisional seniority giving time to the official concerned to make objections, if any, and after considering such objections, the final seniority be issued. The respondents should



comply with our order within six months from today. Thereafter, if the applicants are aggrieved by the seniority assigned to them, they will be at liberty to file a fresh OA.



6. The O.A. is accordingly disposed of with no order as to costs. However, So far as the prayer of the applicant No. 1 - Tulsa Ram is concerned, it is dismissed as not pressed.

Gopal Singh

(GOPAL SINGH)
Adm. Member

B.S. Raikote

(B.S. RAIKOTE)
Vice Chairman

cvr.

W. E. B. DUBOIS

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See next page, etc.

8/8/2017

9.1.07

Section officer (Record)