CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No.267/2009

Date of Order : 28.11.2011

CORAM: **HON'BLE DR. K.B. SURESH, MEMBER (J) &**
HON'BLE MR. SUDHIR KUMAR, MEMBER (A)

Anirodh Choubey S/o Shri Ram Darash Choubey, aged 32 years, Fitter, in 815, Combat Engineering raining Camp, C/o 56 A.P.O., R/o Ward No. 29, Near Community Hall, Suratgarh, District Sri Ganganagar.

.....Applicant.

By Mr. Vijay Mehta, Advocate.

Versus

1. Union of India through the Secretary to the Government, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Chief Engineer, MES, South Western Command, Jaipur.
3. Commander Works Engineer, MES (P), Bikaner.
4. Engineer-In-Chief's Branch, Army H.Q., Kashmir House, New Delhi.
5. 815, CETC, through its Officer Commanding, C/o 56 A.P.O., Pin 913 815.

..... Respondents

By Mr. Sanjeet Purohit, Advocate.

ORDER
[PER SUDHIR KUMAR, ADMINISTRATIVE MEMBER]

Heard. The learned counsel for the respondents has submitted that the applicant had been wrongly categorized as a MES employee, while, being Combat Engineering Training Camp (CETC)employee the applicant was required to be given identity number in the command under which he was working, and which unit has gone now to South Western Command, which has been newly constituted. The process of giving him a new identity number is said to be currently under way. The respondents have submitted that once that process is completed, the transfer and posting issues, and the issues relating to seniority in the cadre which he is assigned, would be settled by the respondents. The learned counsel for the applicant however states that since the command and the control order dated 15.9.1989 has not yet been

officially amended, the applicant is entitled to the benefit of that order, not only in respect of the postings, but also in respect of the promotions within the MES cadre, in which he is presently assigned.

2. However, looking to the facts of the case, it appears that it is a prerogative of the employer to correctly identify the categorization of an employee, according to the utilization of his services, and the nature of duties assigned to the employee, and the industrial personnel, including the applicant, are in the process of being scrutinized for being placed in an appropriate seniority unit. Therefore, directions are issued to the respondent-authorities to complete the process of placing the applicant in the appropriate seniority unit within a period of six months, along with the other similarly placed persons, and, thereafter, as soon as their new unit / wing is decided, within six months they should look after the grievance of the applicant regarding his seniority and promotion matters, and those issues should also be settled within six months thereafter. The matters relating to transfers and postings, according to the lien and slots assigned to the new cadre, would also be decided accordingly. If the whole process of being given new identity numbers cannot be completed by the respondents within the next six months, the request of the applicant in regard to choice of place of posting at Bikaner will have to be acceded to.

3- The OA is disposed of with the above orders. No order as to costs.

(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER

(DR. K.B. SURESH)
JUDICIAL MEMBER

JRM