

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO.61/2009

Date of order: 05.09.2011

CORAM:

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Rafiq Beg Son of Shri Hasan Ben, Aged 51 years, CMD-I, in the office of Garrison Engineer, Air Force, Suratgarh, District Shri Gangangar, R/o Ward No. 22, Near Dargah, Suratgarh, Distt. Shri Ganganagar.

...Applicant.

Mr. Vijay Mehta, counsel for applicant.

VERSUS

1. Union of India, through the Secretary to the Government, Ministry of Defence, Raksha Bawan, New Delhi.
2. Commander Works Engineer, MES, (Air Force), Bikaner.
3. Chief Engineer, MES Western Command, Chandi Mandir, Punjab.

... Respondents.

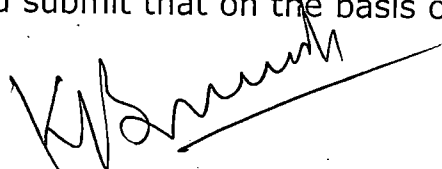
Mr. Sanjeet Purohit, counsel for respondents.

ORDER (ORAL)

(Per Dr. K.B. Suresh, Judicial Member)

We have heard both the learned counsels and perused the pleadings.

2. The applicant would submit that he was not granted equality under Article 14 of the Constitution of India even though by passing the trade test before Shri Somnath, and while the said Somnath was promoted, he was not promoted, and that this fact could be clear from the order dated 26.10.1998 (Annexure-A/11). The respondents would submit that on the basis of vacancies under

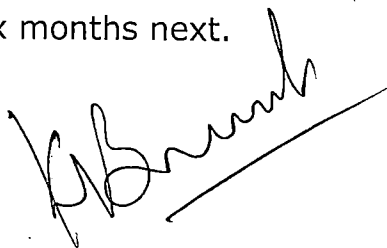


roster, they have to fill-up appropriate number of people in accordance with Annexure-A/10 dated 24.3.1999, wherein altogether 4639 posts of Civilian Motor Drivers for CEs command under the revised three grade structure for MT Drivers were there, these vacancies are inclusive of both ^{Re.} basic and non basic held by the CEs command, and vide MOD letter No.F.6(1)/91/358/92/D (W-II) dated 28 Feb., 1992, the vacancies under the establishment are fixed, and cannot be exceeding beyond the ceiling of 2864. Therefore, the total number of sanctioned posts shall be, according ^{Re.} to the respondents, ~~As~~ 319 in the western command.

3. The applicant submits that he should have been promoted to CMD-II on 26.01.1999 and CMD-I on 26.01.2005, and thereafter to the special grade in 26.01.2008. The respondents would say that ^{Re.} only 24 vacancies ^{were} available on 24.03.1999, and that is why, the applicant could not be accommodated at that time. But whether or not the respondents give priority to the applicant above said Shri Somnath, could be decided only in other proceedings or within the respondents, as he was not made a party here.

4. On this basis, the learned counsel for the applicant would submit that he would be satisfied if the applicant is allowed to file a composite representation before the respondents within the next one month and for it to be considered within a time frame.

5. In view of the circumstances of the case, we allow him to file such a representation before the concerned respondents and direct the respondents to consider his case and pass an appropriate speaking order within six months next.



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6. With the above observations and directions, the O.A. is disposed of. No order as to costs.



(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER



(Dr. K.B. SURESH)
JUDICIAL MEMBER

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