

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 303/JODHPUR/2013
with MA No.127/2013

Reserved on : 07.04.2016

Jodhpur, this the 17 day of ~~April~~ 2016

CORAM

**Hon'ble Dr. K.B.Suresh, Judicial Member
Hon'ble Ms. Praveen Mahajan, Administrative Member**

1. Puni Chand s/o Shri Chet Ram Yadav, aged about 48 years,
2. Jai Chand s/o Shri Hari Ram, aged about 47 years
3. Mahaveer Meena s/o Shri Ganpat Ram Meena, aged about 49 years
4. Balwant Singh s/o Shri Ram Lal, aged about 46 years.
5. Mahendra Pal Sharma s/o Shri Dulichand Sharma, aged about 47 years,
6. Ram Jeevan s/o Shri Kishan Lal Meena, aged about 52 years
7. Prithvi Raj s/o Shri Madan Lal, aged about 48 years,
8. Kishan Lal s/o Shri Budha Ram, aged about 46 years
9. Hari Ram s/o Shri Oma Ram, aged about 52 years,

All the applicants are at present employed on the post of Refg/Mech SK, in the office of Garrison Engineer, MES, Lalgarh Jatan, Distt. Sriganganagar.

Address for Correspondence

C/o Shri Puni Chand R/o Qtr. No. KPA-9/5, MES Colony,
Lalgarh Mil Station, Sriganganagar-335037.

By Advocate: Shri J.K.Mishra

.....Applicant

Versus

D. Shaffer

1. Union of India, through Secretary to the Govt. of India, Ministry of Defence, Raksha Bhawan, New Delhi.

3. Engineer in Chief's, Military Engineering Service, Integrated HQ of MoD (Army), Kashmir House, New Delhi-110011.
4. Commander Works Engineer, MES, Sriganganagar.
5. Shri Raj Pal Saran, Ref/Mechanic HS-I, Office of the GE, Sriganganagar.
6. Shri Mohan Chander, Ref/Mechanic HS-I, Office of the GE, Lalgarh, Sriganganagar.
7. Shri Mahaveer Prasad, Ref/Mechanic HS-I, Office of GE, Lalgarh, Sriganganagar.
8. Shri Sukhvinder Singh, Ref/Mechanic HS-II, Office of GE, Lalgarh, Sriganganagar.
9. Shri Vipin Kumar, Ref/Mechanic HS-I, Office of the GE, Sriganganagar.
10. Shri Maheswhar Dass, Ref/Mechanic HS-I, Office of the GE, Sriganganagar.
11. Hari Keshwar, Ref/Mechanic HS-II, Office of GE, Lalgarh, Sriganganagar.

.....Respondents

Respondents No. 1 to 4 by Advocate : Mr. B.L. Bishnoi

Respondents No. 5 to 10 by Advocate : Mr M.S. Godara

None present for respondent No. 11.

ORDER

Per Hon'ble Ms. Praveen Mahajan, Member (A)

In the instant case, the OA has been filed on behalf of 9 applicants, since the cause of action has arisen from the same order and the relief claimed is also the same.

2. The issue, in brief, is that the applicant Nos. 1 to 8 were appointed to the post of Mazdoor in the year 1987-88 and applicant No.9 was appointed as Chowkidar on 03.04.1981. All the applicants were in the category of unskilled personnel.

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3. These applicants were employed to help the Refg. Mechanic Skilled personnel. Subsequently, they were trade tested for promotion to the post of Refg/Mech SK and promoted accordingly at different points of time.

4. As per the rules/instructions as specified in letter No. 90270/S/TOS/WCEIC (3) dated 05.07.1983, it has been clarified that no promotion can be made from skilled grade to skilled grade. In other words, the promotion has to be made from semi-skilled grade to skilled grade. However, if qualified individuals are not available in semi-skilled grade, vacancies can be filled up by direct recruitment from semi-skilled grade. In this regard, the Ministry of Defence letter No. 30234/TTB/W.D/EIC(1) dt. 31.08.1988 at Ann.A/2 is self explanatory. The applicants have stated that based on this criteria, they were denied promotion by the Board of Officers on 21.12.1990 (Ann.A/3). Subsequently, however, another Board of Officers in its meeting on 15.03.1991 recommended some other candidates for promotion (Ann.A/4). It is agitated by the applicants that the promotions effected vide aforementioned meeting were not valid since the persons promoted, already belong to skilled category. The applicants have given us to believe that in this manner, their rights for promotion have been infringed upon, and promotional prospects have also been blocked. Resultantly, their promotions have been

5. The respondents vide letter dated 14.03.2013 have justified the selections made by the second Board of Officers on 15.03.1991 (Ann.A/1) and intimated that no improper action was taken by the respondents, and, the applicants as well as other individuals, were correctly promoted.

6. The applicants have come to the Tribunal with the prayer that in view of the facts stated in the OA, the respondents may be asked to re-examine the matter. They should be asked to convene a review DPC and consider the case of the applicants for promotion to the post of skilled category as per their seniority and as per rules in force and allow all consequential benefits.

7. After going through the facts of the case, it would appear that the grounds raised by the applicants in the OA do not have much legs to stand on. The respondents have explained how the individuals, who were senior to the applicants, have correctly been promoted. Even the applicants have been given their promotions from time to time as per rules and policy of the Department. Majorly, the fact remains that the applicants have approached the Tribunal after a period of 25 years. Had the applicants felt aggrieved by the action of the respondents, they should have approached the respondents, or, the relevant forum for redressal of their grievance, immediately. The OA, at this



belated stage, is not maintainable and therefore, cannot be entertained on grounds of delay.

8. Accordingly, the OA and MA No.127/2013 are dismissed with no order as to costs.


(PRAVEEN MAHAJAN)
Administrative Member


(DR.K.B.SURESH)
Judicial Member

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