

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.373/95

Wednesday, this the 31st day of July, 1996.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

.....

KJ Sisupalan, T No. 711,
Semi Skilled Labour,
Naval Armament Depot,
Aluva.

....Applicant

By Advocate Shri RV Nair.

vs

1. General Manager,
Naval Armament Depot, Aluva.
2. The Flag Officer Commanding-in-Chief,
Southern Naval Command, Kochi.
3. Union of India represented by
its Secretary for Defence,
Delhi.

....Respondents

By Shri Varghese P Thomas, Addl Central Govt Standing Counsel.

The application having been heard on 26th July, 1996,
the Tribunal delivered the following on 31st July, 96:

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant was promoted to the post of Gun Repair Labourer (Semi Skilled) (GRL for short) on 1.7.85 by A-1 order. The post of unskilled labourer had been reclassified in the meanwhile with effect from 2.4.85 as Labour on Ammunition Duty (LOAD) and consequently applicant was reclassified as LOAD. His scale of pay did not change and applicant did not express any grievance. By an amendment to the trade structure of Naval Armament Depot, the post

contd.

of GRL became a feeder category to the post of Fitter Armament (Skilled) (FA for short) and applicant was denied promotion to the post of FA by order A-7 dated 6.8.94 on the ground that since he was LOAD, he was not in the feeder category for the post of FA. Applicant thereafter approached the Tribunal in OA 1556/94 and the Tribunal directed consideration of his representation. Respondents have issued impugned order A-10 dated 23.1.95 as a consequence. Applicant challenges this order.

2. The impugned order merely reiterates that since applicant was holding the post LOAD, which is not a feeder category for the post of FA, he is not eligible for promotion to the post of FA. A further reason is stated that the period of service of applicant as GRL is only 31 days, which is inadequate for promoting him as FA. In the reply statement, respondents have reiterated the fact situation as stated above. They have also produced the relevant recruitment/promotion rules SRO 338 (Sl 3) dated 19.11.79 as amended vide SROs 131/84, 25/87 and 200/89. The said rules state that promotion to the post of Tradesman (Skilled) is from semi-skilled workers having a pay scale of Rs.800-1150 with three years service in the grade on the basis of a departmental qualifying test. Applicant is, admittedly, a semi-skilled worker having that pay scale. However, respondents have produced a chart showing that the post of FA has a feeder category of GRL and Torpedo Repair Labourer (TRL). The authority for this chart is not indicated. It is also seen that the category LOAD is not shown in the chart anywhere, though there is a semi-skilled category of Ammunition Repair Labourers with a promotional avenue to Fitter Ammunition. This would seem to indicate that by reclassifying applicant. (who was admittedly trade tested and promoted as GRL on 1.7.85) as LOAD, his promotional opportunities have been taken away. Though the reclassification orders have not been produced, obviously it

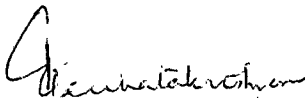
contd.

would not be proper to take away the right of the applicant to be considered for promotion to the post of FA which he definitely had as GRL by "reclassifying" him as LOAD and without giving him a suitable alternative promotional avenue, particularly when, according to respondents themselves, he had worked for 31 days as GRL. According to applicant, even the subsequent service he put in after 31.7.85 is to be reckoned as eligible service for promotion as FA in which case, he would have three years service required under the recruitment/promotion rules produced by the respondents.

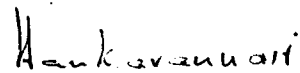
3. Under these circumstances, the impugned order A-10 cannot be sustained. It is accordingly quashed. Respondents are directed to consider the eligibility of applicant with reference to the promotion granted to him as Gun Repair Labourer on 1.7.85, without holding the subsequent retrospective reclassification, against him.

4. Application is allowed as above. No costs.

Dated the 31st July, 1996.



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

List of Annexures

1. Annexure A1:- True copy of the order No.116/85 dated 11.7.85 issued by the 1st respondent.
2. Annexure A7:- True copy of the reply No.AAE 1701 by the 1st respondent dated 6th August,'94.
3. Annexure A10:- Impugned order AAE 1789 dated 23-1-95 issued by the 1st respondent alongwith Annexures.