

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 412 of 2009

Monday, this the 22nd day of June, 2009

CORAM:

Hon'ble Mr. George Paracken, Judicial Member
Hon'ble Ms. K. Noorjehan, Administrative Member

N. Chandra Babu, S/o. E. Narayanan,
 Master Craftsman, Office of the Garrison
 Engineer (Air Force), Military Engineering
 Service, Thiruvananthapuram.

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Applicant

(By Advocate – Mr. P.K. Madhusoodhanan)

V e r s u s

1. The Garrison Engineer (Air Force),
 Military Engineering Service, Pulayanarkotta,
 Thuruvical (PO), Trivandrum-3.
2. The Chief Engineer (Naval Works), Naval Base (PO),
 Kochi-4.
3. The Chief Engineer, Southern Command, Pune-1.
4. Union of India, Represented by its Secretary,
 Ministry of Defence, New Delhi.
5. P.G. John, Master Craftsman,
 Office of the Garrison Engineer (Independent),
 Establishment/Maintenance, Naval Works,
 Naval Base (PO), Kochi-4.

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Respondents

(By Advocate – Mr. TPM Ibrahim Khan, SCGSC)

The application having been heard on 22.6.2009, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. George Paracken, Judicial Member -

In this OA applicant has sought a declaration that he is senior to the 5th respondent in the cadre of Pipe Fitter in the Area Seniority Unit of the



Southern Command under the 2nd respondent and therefore, he is eligible and entitled to get all the promotions from the respective dates received by the 5th respondent on the basis of the seniority in the southern command and all attendant monetary benefits arising therefrom. He has therefore, sought a further direction to issue necessary instructions to the respondents to grant him seniority and retrospective promotions from earlier dates in the higher posts as granted to the 5th respondent notionally, with all attendant monetary benefits and arrears arising therefrom, within a reasonable time to be fixed by this Tribunal.

2. The facts in this case are that the applicant joined the services of the Military Engineering Services, Area Seniority Unit of the 2nd respondent on 8.1.1981 as Pipe Fitter on transfer from the Office of the Assistant Garrison Engineer (Independent), Delhousie, Himachal Pradesh. On passing the required trade tests in the year 1982, he was promoted as Fitter Pipe (Skilled) on 19.8.1985. He was again promoted as Fitter Pipe (Highly Skilled) w.e.f. 2.11.1993 and as Master Craftsman with effect from 20.5.2003. He is now working in the office of the Garrison Engineer (Air Force), Trivandrum as Master Craftsman. According to him, he came to know only recently that the 5th respondent who joined in the office of 2nd respondent on 27.1.1981 as Pipe Fitter and got transferred from Central Command to Southern Command on his request, was given promotions as Fitter Pipe (Skilled), Fitted Pipe (Highly Skilled) and Master Craftsman earlier than him overlooking his seniority and against the relevant rules in force. The applicant further submitted since he and the 5th respondent were working in different offices in far off places, though under the very same Area Seniority and Southern Command, he was unaware of the 5th respondent's seniority position and the earlier promotions given to him. When he came to know about the promotions given to the 5th respondent and the illegality committed by the official respondents, he submitted Annexure A-2 representation dated 31.12.2008 followed by Annexure A-3 reminder dated 29.4.2009. According to the applicant, he has been arbitrarily discriminated against the 5th respondent, denied his fundamental



right to be considered for promotion in preference to his junior and denied equality before law and equality of opportunity for promotion to higher posts in preference to his juniors and the emoluments attached to the posts enjoyed by the 5th respondent. He has also submitted that the action of the respondents is clear violation of the mandates contained in Articles 14 & 16 of the Constitution of India.

3. We have heard learned counsel for the applicant Mr. P.K. Madhusoodhanan and Ms. Asha Elizebeth Mathew for Mr. TPM Ibrahim Khan, SCGSC learned counsel for the respondents. In effect the applicant is seeking a promotion as Pipe Fitter HS-II w.e.f. 15.10.1984 as given to the 5th respondent Shri P.G. John and further promotions from time to time. It is a well settled principle of law that the promotions granted cannot be unsettled after a period of long gap as it will create administrative problems for the respondents' department as well as for the affected employee. The contention of the applicant that he came to know about the granting of promotion to the 5th respondent who is his junior only in recent time cannot be accepted as a valid excuse. The applicant cannot seek his promotion after a period of 25 years to the disadvantage of the 5th respondent. We, therefore, dismiss this OA as the same is badly delayed and hit by limitation. There shall be no order as to costs.


(K. NOORJEHAN)
ADMINISTRATIVE MEMBER


(GEORGE PARACKEN)
JUDICIAL MEMBER

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