

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.73/87.

Shri Surjit Singh Surat Singh,
157, Wanowrie Village,
Pune 411 040.

... Applicant

V/s.

- (1) Union of India,
(Summons to be served on the
learned Govt. Pleader
appearing for Union of India
before this Tribunal).
- (2) Assistant Director General(Planning),
Raksha Mantralaya, Kritey Maha,
Nideshak Shashtra Sena Chikitsa Sewa,
Raksha Mantralaya, Karyalaya Maha,
Nideshak Sashtra Sena Chikitsa
Sewa, New Delhi.
- (3) Brig. Commandant, Kritrim Ang Kendra,
Artificial Limb Centre, Post Box
No.1506, Pune 411 040.
- (4) Shri R.S.Negi C/o. Artificial Limb
Centre, Pune 411 040. ... Respondents.

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil,
Hon'ble Member(A), Shri L.H.A. Rego.

JUDGMENT:

(Per Shri L.H.A.Rego, Member(A)) Dt. 14.4.1988.

In this application filed under Section 19 of the Administrative Tribunals Act 1985, the applicant prays for a declaration to the Respondents (R), that for the purpose of promotion to the post of Leading Hand Technical (LHT, for short), the seniority in all the feeding cadres, be taken into account and that seniority may not be confined to only the immediate lower grade viz. Limb Maker (Carpenter) (L.M.C., for short) and consequently, that the orders issued by R-3 on 3.12.1986 (Annexure 'A') are illegal and bad in law.

2. The following essential facts, bring into focus,

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...2.

the questions to be determined in this case. The applicant entered service as a Bench Fitter (B.F., for short) in Group 'C', in the Artificial Limb Centre (A.L.C., for short) Pune on 21.12.1976, in the pay scale of Rs.260-6-326-EB-8-350-10-400. He was initially promoted as LMC, on 21.1.1982, in the pay scale of Rs.320-6-326-8-390-10-400, under the Recruitment Rules of the ALC (Rules, for short) framed under the provisions of Article 309 of the Constitution. His educational qualification was S.S.C. He was made quasi-permanent on 1.4.1985.

3. He was promoted as LHT, according to the Rules, in the pay scale of Rs.260-6-290-EB-6-326-8-366-EB-8-390-10-400, pursuant to the recommendations of the Departmental Promotion Committee (DPC, for short) at its meeting held on 26.9.1985, on passing the Departmental Promotion Examination, on 9.10.1985 vide Part.II Order, published by ALC, on 11.10.1985. By the impugned order dt. 3.12.1986 (Annexure 'A'), he was informed by R-3, that his promotion as LHT, was countermanded by the office of the Director General, Armed Force Medical Services, Pune (DGFMS, for short) by their letters dt. 22.8.1986 and 2.11.1980 and that he was reverted to the post of LMC.

4. It is noticed, that after the applicant was promoted to the post of LHT, R-4 (Shri R.S.Negi), who was directly appointed to the post of LMC in the ALC on 4.11.1977, submitted a representation to R-1, pleading inter alia, that as he was senior to the applicant in the immediately lower grade namely, that of LMC, he ought to have been promoted as LHT, vice the applicant. On verification of the service record, the Department came to the conclusion, that the claim of R-4 in respect of seniority over the applicant was correct and rectified