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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
NEW BOMBAY BENCH

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T.A. No. 374/87

198

DATE OF DECISION 10 August 1990

Shri R.K.Bhatkar & Another ... Petitioners

Shri A.V.Mohta ... Advocate for the Petitioner(s)

Versus

Union of India & Ors ... Respondent

Shri Ramesh Darda ... Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. G. Sreedharan Nair, Vice Chairman

The Hon'ble Mr. I.K. Rasgotra, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? ☒
2. To be referred to the Reporter or not? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement? ☒
4. Whether it needs to be circulated to other Benches of the Tribunal? ☒

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY
CAMP SITTING AT NAGPUR

Transfer Application No.374/87

Shri R.K.Bhatkar & another

... Applicants

vs

Union of India & Ors.

... Respondents

CORAM : Hon'ble Vice Chairman, Shri G.Sreedharan Nair
Hon'ble Member (A), Shri I.K.Rasgotra

Appearances:

Shri A.V. Mohta, Advocate,
for the applicants and
Shri Ramesh Darda, Advocate,
for the Respondents.

JUDGEMENT:

Dated : 10 August 1990

{Per. Shri I.K.Rasgotra, Member (A)}

Writ Petition No.522/86 was transferred by Bombay High Court to the Tribunal under Section 29 of the Administrative Tribunals Act, 1985 and was registered as TR 374/87. The petition has been filed by Shri Ramchandra Keshavrao Bhatkar and Shri G.S.Mathankar working as Tool Setter (Highly Skilled Grade-II), Ordnance Factory, Ambazari. They are agrieved by the action of the Respondents in ignoring their claim for promotion to Highly Skilled Grade-I even though their juniors who are arraigned as respondents 5 to 13 have been promoted to that grade. It is contended by them that promotion from HS Grade-II to HS Grade-I is on seniority-cum-merit and their service record being blemishless, they have been denied promotion only for extraneous reasons such as their trade union activities. By way of relief, they have prayed that the impugned order dated 1.7.85 promoting Respondents No.5 to 13 should be set aside and further

the Respondents be directed to reconsider the question of promotion to Highly Skilled Grade-I. The Respondents in their written statement have averred that the promotion to Highly Skilled Grade-I is made on the principle of "seniority-cum-fitness with the elimination of unfit". The promotion order dated 1.7.1985 was issued on the basis of the recommendations of the Departmental Promotion Committee and the petitioners did not find a place in the select list prepared by the DPC as they were not found suitable. They have also controverted the submission of the applicants that their record is blemishless. In fact, in the case of applicant No. 1 they have enumerated the penalties^{which} have been imposed on him as under:

'Censure' on 29.7.70, 'Reduction in the grade' on 12.6.76; 'Recorded Warning' on 16.2.77; 'Censure' on 30.3.85; 'Recorded Warning' on 7.11.86.

2. The matter was heard on 6.8.90 and the Respondents submitted the proceedings of the Departmental Promotion Committee in regard to the petitioners. It is observed that the DPC had considered the petitioners not suitable stating that "the individual has not yet developed the skill and technical ability required for setting of various m/cs to be done by H.S. Tool Setter G.I". The DPC comprised a Divisional Officer, a Group Officer and Joint General Manager. We have also perused the minutes of the meeting which were submitted by the Respondents, after the hearing later in the afternoon, as per our instructions. We are satisfied that the penalties imposed on Shri R.K. Bhatkar prior to 1985 has not figured in the proceedings of the DPC.

155

3. In the facts and circumstances of the case, we do not find any reason to interfere in the proceedings of the promotion order based on the recommendations of the DPC. The petitioners have been found unsuitable for promotion to the H.S. Grade-I keeping in view the skill and expertise required for the higher job. The petition, therefore, fails and is dismissed with no orders as to costs.

I.K. Rasgotra
(I.K. Rasgotra)
Member (A) 10/8/1990

G. Sreedharan Nair
(G.Sreedharan Nair)
Vice Chairman