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

D.A.253/87.

K. Maniyan,
Light House Department,
"Deep Bhavan" (Opp. to
Satyam Shopping Complex),
M.G. Road, Ghatkopar (E),
BOMBAY - 400 077.

... Applicant.

V/s.

1. Union of India & Others.

... Respondents.

CORAM : Hon'ble Justice Shri U.C. Srivastava, Vice
Chairman.
Hon'ble Shri M.Y. Priolkar, Member (A).

ORAL JUDGMENT

DATED: 15.7.1991.

¶ PER : Hon'ble Shri U.C. Srivastava, Vice Chairman ¶

The applicant who joined the department of Light Houses and Light Ships, Ministry of Transport (Surface Transport), New Delhi in the year 1965 was promoted to the Selection Grade on 1.6.1979 in the scale of Rs.550-900 after deemed selection. In that selection the opposite party Shri S. Vardachari was not selected in the Selection Grade though in the list of Junior Engineer he was just above the applicant. The applicant by virtue of Selection Grade became senior to the said Vardachari, even otherwise in view of the clarification issued by the department of Light Houses and Light Ships, Ministry of Shipping and Transport under

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their letter No.30/2/82-Admn. dt. 18.5.1985 this position has been made clear:

"As promotions to the Grade of Assistant Engineer (Elect.) are restricted to personnel in the respective discipline only. Eligible persons holding higher grade may rank en-block senior to those holding posts in the Lower Grade, within the same Grade itself the Seniority of persons in the identical scale of Pay in the feeder of Grades may be determined on the basis of length of service rendered on regular basis subject to maintaining the inter-se-seniority."


2. In the year 1986 the next promotional post of Assistant Engineer fell vacant and 3 vacancies occurred in 1987. In the year 1986 for which post the DPC recommended the name of S/Shri Tapan Roy, Govindarajan and K. Valayudhan (S.C.) and for three other posts other persons were recommended. The applicant's grievance is that Shri B.C. Yalwar was not a member of S.T. but yet he was selected as a member of S.T.


3. In the reply filed by the respondents this position has been made clear that in fact he was not a member of S.T. community and the action has been taken. The name of B.C. Yalwar is taken out that in view of the grading given by the assessment committee the applicant cannot go above Shri P.K. Ganguly who has been graded higher than that of the applicant. The dispute now remains between the applicant and Shri S. Vardachari. Obviously the gradings of the applicant and Shri S. Vardachari was the same and the applicant in the meantime has been promoted to the Selection Grade, the applicant

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becomes senior to Shri Vardachari. In view of the seniority it was the applicant along who could have been promoted and not Shri Vardachari.

4. Accordingly this application deserves to be allowed. The respondents are directed to promote the applicant to the post of Assistant Engineer from the date said Shri Vardachari was promoted. It is for the respondents either to demote or to create a post for Shri Vardachari ex cadre or otherwise and we make no observation in this behalf except that the applicant was wrongly deprived of his promotion, hence he should be promoted from the date Shri Vardachari was promoted. With these directions the application is disposed of finally, with no order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A).


(U.C. SRIVASTAVA)
VICE CHAIRMAN.