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CAT/3/12

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 87  
T.A. No.

198 7

DATE OF DECISION 13.11.91

P.A.Siraswar

Petitioner

A.V.Mohja

Advocate for the Petitioner(s)

Versus

U.O.I. & Others

Respondent

Mr.Ramesh Darda

Advocate for the Respondent(s)

CORAM By Hon.Mr.M.Y.Priolkar Member(A)

The Hon'ble Mr. Justice U.C.Srivastava, V.C.

The Hon'ble Mr. M.Y. Priolkar, 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 ? ✓



(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNALS, BOMBAY BENCH  
CIRCUIT BENCH : NAGPUR

Registration O.A.No. 87 of 1987

P.A.Siraswar ..... Applicant  
Vs.  
Union of India & Others ..... Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. M.Y. Priolkar, Member (A)

(By Hon. Mr. M.Y. Priolkar, Member (A))

The applicant is a Painter 'A' grade in the Ordnance factory at Nagpur. His grievance is that some of the Painters 'A' grade were promoted to the post of Highly Skilled Grade II earlier than the applicant who was admittedly senior to them, on the ground that a penalty of stoppage of two increments after certain disciplinary proceedings had been imposed on the applicant. It has been explained on behalf of the respondents that the promotions of the juniors were on account of one time relaxation from the requirement of passing the trade test under orders dated 11.4.1985 of the Ordnance Factories Board for promotions to the post of Highly Skilled Grade II. By these orders, the ratio of posts in different grades of same trades was also revised and <sup>provisions by</sup> without any trade test were to be given with effect from 15.10.84. The case of the respondents is that no promotion could be given to the applicant on the basis of these orders, as he was undergoing a penalty at the relevant time. The applicant's contention, however, is that he should have been promoted under these orders at least on the expiry of the currency of the penalty namely on 1st May, 1986.

2. The learned counsel for the applicant stated before us that the applicant had preferred a representation dated 17.11.88 against the non granting of promotion

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from the date of the expiry of penalty to the General Manager who had rejected it on 27.11.88. The applicant thus had approached this Tribunal before <sup>making of</sup> any representation to the Ordnance Factories Board against the General Manager's order dated 27.11.88. He prayed for an opportunity being given to him now to make such representation to the Board.

3. We are inclined to grant this prayer and would not like to express any views on any of the points made on behalf of the applicant in this application. We accordingly direct that the applicant make a representation against the General Manager's order dated 27.11.88 to the Ordnance Factories Board within a period of 2 weeks and it shall be considered by the Board on merits irrespective of lapse of time within a period of 3 weeks from its receipt. With these observations, the application is dismissed with no order as to costs.



Member (A)



Vice-Chairman.

13th November, 1991, Nagpur

(sph)