

9) CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW ~~DELHI~~ BOMBAY

~~XX~~ ~~XX~~ No.
T.A. No. 324/87

198

DATE OF DECISION 31-12-1987

Sayyad Zamir Haider & 6 Others Petitioners

Applicant No.1 in person Advocate for the Petitioners(s)

Versus

Union of India & 4 Others Respondents

Mr.S.R.Atire(for Mr.P.M.Pradhan) Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S.P.Mukerji, Member(A)

The Hon'ble Mr. M.B.Mujumdar, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

Tr. Application No. 324/87

Sayyad Zamir Haider,
Chargeman Grade-I,
Ordnance Factory,
Ambajhari,
Nagpur & 6 Others.

(10)

... Applicants

vs.

1. Union of India,
through
The Secretary,
Ministry of Defence Production,
New Delhi.
2. The Secretary,
Ordnance Factories Board,
6-Explanade Est.,
Calcutta - 700 069.
3. The General Manager,
Ordnance Factory,
Ambajhari,
Dist. Nagpur.
4. The General Manager,
Ordnance Factory,
Jawaharnagar,
Bhandara,
Dist. Bhandara.
5. The General Manager,
Ordnance Factory,
Chanda Tah.
Dist. Chandrapur.

... Respondents

Coram: Hon'ble Member(A) S.P. Mukerji

Hon'ble Member(J) M.B. Mujumdar

Appearances:

1. Applicant No.1
Mr. Sayyad Zamir Haider
in person for the
applicants.
2. Mr. S.R. Atre (for
Mr. P.M. Pradhan)
for the respondents.

ORAL JUDGMENT

Date: 31-12-1987

(Per M.B. Mujumdar, Member(J))

The applicants had filed Writ Petition No. 2707/84 in the Nagpur Bench of the Bombay High Court and it is transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

(14)

2. The applicants were previously working as Senior Draftsman and on the recommendations of the IIIrd Pay Commission they were treated as Chargeman Gr.II(Technical)with effect from 1-7-1978. Some of their colleagues had filed a Writ Petition in the High Court of Madhya Pradesh at Jabalpur requesting that they should be treated as Chargeman Gr.II with effect from 1-1-1973. That Writ Petition was numbered as M.P.No. 312/81 and was allowed by the Madhya Pradesh High Court on 19-10-1983 and they were given seniority with effect from 1-1-1973. The seniority list of Chargeman Gr.II was amended accordingly and they were given promotion to the higher post of Asstt.Foreman (Technical).

3. However, as the present applicants were not parties to the said Writ Petition they were not given benefit of that judgment by the respondents. Hence they filed the present petition praying that they also should be treated as holding the post of Chargeman Gr.II(Technical)with effect from 1-1-1973. They have also prayed that the seniority list of the Chargeman Gr.II(Technical)should be amended accordingly. By an amendment made in 1983⁵ they have further requested that the respondents may be directed to consider their cases for promotion to the higher post of Asstt.Foreman(Technical)and for giving them all consequential benefits.

4. We have just now heard the applicant No.1 and Mr.S.Z.Haider in person and Mr.S.R.Atre(for Mr.P.M. Pradhan)the learned advocate for the respondents.


5. Though the petition was previously resisted by the respondents by filing a reply we are now told


(12)

that even the present applicants are given the benefit of ^{the} judgment of the Madhya Pradesh High Court cited above and they are treated as Chargeman Gr.II(Technical)with effect from 1-1-1973. The seniority list is also revised accordingly and they are placed at their proper places. Hence the main grievance of the applicants is over.

6. However, Mr.Haider submitted that the respondents have not considered cases of the applicants for their next promotion on the basis of the revised seniority list. We feel that when the seniority of the applicants is revised in view of the judgment of the Madhya Pradesh High Court, there is no reason why their cases should not be considered by the respondents for their next promotion to the post of Asstt.Foreman (Technical). In fact what the applicants ^{are} ~~now~~ claiming ^{is} ~~are~~ merely consequential benefits and we find no reason to deny the same to them.

7. We,therefore, direct that the respondents shall consider the cases of the applicants for their next promotion as Asstt.Foreman(Technical)from the dates on which their juniors in the revised seniority list were promoted to that post. If necessary, a special DPC may be constituted for that purpose. Other consequential benefits which may be due to the applicants on the basis of the revised seniority list may also be granted to them. As far as possible these directions should be complied with within three months from today. The application is disposed of with these directions with no order as to costs.


(S.P.MUKERJI)
Member(A)


(M.B.MUJUMDAR)
Member(J)