

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 748/88.

199

Temp/Adv.

DATE OF DECISION 07.07.1994.

R.T. Bangalkar.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

1. Whether it be referred to the Reporter or not ? ~
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? ~

MEMBER

VICE CHAIRMAN

mbm:

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, CAMP AT NAGPUR.

Original Application No.748/88.

R.T.Bangalkar.

.... Applicant.

v/s.

Union of India & Ors.

.... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
Hon'ble Shri M.R.Kolhatkar, Member(A).

Appearances:-

Applicant by Shri N.Y.Phadnis.
Respondents by Shri R.P.Darda.

Oral Judgment:-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 7.7.1994.

The applicant by this application seeks a direction to the Respondents to refix the seniority w.e.f. 16.10.1981 after merger of grades on par with Ordnance Factory Defence Project, Ambazari, Nagpur and to declare that the applicant is eligible for promotion to the grade of Examiner (H.S. Gr.II) earlier to his juniors w.e.f. 30.12.1985 (F/N) and consequential benefits of pay fixation and arrears of pay and allowances.

2. The applicant was appointed as Junior Examiner on 23.10.1981 and was appointed as Examiner Gr.II on 28.2.1983. There was a merger of these two scales w.e.f. 16.10.1981. The scale of pay which the merger post carried was Rs.260-400. The applicant's case is that he could have been regarded as senior to V.T.Pawar whose name appeared at Sl.No.10 in the seniority list, the applicant's name appeared at Sl.No.8. The respondents have explained the position in their reply by stating that the applicant was an Ex-serviceman and was appointed as Junior Examiner w.e.f. 23.10.1981 in the scale of Rs.210-290 and was allowed to compete with Employment Exchange sponsored candidates to the post of Examiner Gr.II and was accordingly appointed on 28.2.1983. Since this was a direct appointment to Examiner Gr.II the applicant's seniority cannot be counted from 23.10.1981 as Examiner Gr.II. There is no answer to this in the Rejoinder and if the applicant were to be regarded as

appointed on 28.2.1983 he would not rank senior to the others only by virtue of previous position as Junior Examiner.

3. With regard to V.T.Pawar it was mentioned that his seniority was reckoned as being from 21.3.1983 i.e. the date of reporting at the Inspectorate, Bombay and he was promoted to H.S. Gr.II w.e.f. 30.12.1985. With regard to Y.R.Ghadi whose name appears at Sl.No.32 in the seniority list dt. 25.1.1986 (Annexure C) to the application there is a remark that his seniority is w.e.f. 26.8.1985 i.e. the date of joining in the Inspectorate from CPE, Itarsi, and promoted to Ex H.S. -II w.e.f. 30.12.1985. The Respondents contention with regard to this position was that till the categories of Junior Examiner Gr.II existed, the former was a feeder cadre to promotion in the latter and that the promotion was not by mere seniority. The conditions of eligibility had to be fulfilled and one relevant condition was three years service in the feeder category of Junior Examiner and Rane and Pawar joined as Examiner Gr.II on 17.1.1983 and 21.3.1983. But as at the time of their promotions, Junior Examiners in the Grade were not available, their past service from 18.6.1982 in the grade in ~~the~~ Establishment from which they came were considered towards eligibility and were permitted to appear in that Trade Test. It is therefore, clear that there was some basis for allotting senior positions to the persons against whom the applicant has made a grievance. The applicant has not joined any of the persons over whom he is claiming seniority and on that ground also the relief which he seeks cannot be granted.

4. In the result, we see no merit in the application. It is dismissed.

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER(A)

M.S.Deshpande

(M.S.DESHPANDE)
VICE-CHAIRMAN