

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

Original Application No.679/88

Shri Gajendra Singh,
Asstt. Foreman (Mech.),
Ammunition Factory, Kirkee,
Pune-411 003.

..Applicant

V/s.

1. General Manager,
Ammunition Factory,
Kirkee,
Pune-411 003.
2. The Chairman,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta-700 001.

..Respondents

Coram: Hon'ble Member (A), Shri M.Y. Priolkar.

Appearance:-

1. The applicant
in person.
2. Mr. S.R. Atre (for
Mr. P.M. Pradhan), Advocate
for respondents.

JUDGMENT:-

Dated: 25-4-1989

[PER: Shri M.Y. Priolkar, Member (A)]

The applicant was recruited as a Supervisory Engineering Apprentice in the Ordnance Factories on 21.2.1966. On completion of training on 21.2.1970 he was absorbed as Technical Chargeman Gr.II (Mechanical). He was promoted in due course as Technical Chargeman Grade-I and subsequently on 2.5.1980 as Technical Assistant Foreman (Mechanical) in which grade he is presently serving at Ammunition Factory, Kirkee, Pune.

2. The applicant's grievance is that although he had been working without any complaints on jobs in trade/discipline of "Mechanical Engineering" right from 21.2.1970,

as per his qualification and seniority lists issued by the Respondent No.2 from time to time. He was transferred and posted to a non-technical section, viz. Stores Section, by General Manager's draft factory order dated 5.2.1986. It is his contention that his posting in Stores Section is against the statutory rule contained in S.R.O. 4 of 1956. The applicant states that inspite of his representation to this effect to respondents No.1 and 2 and inspite of his submission to them that he was apprehensive that his Annual Confidential Report(ACR) might be affected by a wrong assessment resulting in adverse reporting on his technical work from time to time, the posting to Stores Section was not cancelled and respondent No.2 replied that "with the introduction of higher technology it is necessary to post technical person in sections like Stores ~~so that~~ the various technical aspects of stores keeping are taken care of".

3. According to the applicant, as a result of his bringing out certain irregularities in the working of the Stores Section and incidents of favouritism to the contractors whereby Government suffered big monetary losses, the applicant was summarily shifted ~~for~~ ^{from} disposal group of stores section to ~~to~~ another group where no work was given to him and he was harrassed by Works Manager Stores on flimsy and trivial matters/shifted from job to job. Certain complaints against the applicant are stated to have been obtained deliberately from interested parties/contractors.

4. On 1.12.1987, the applicant was given ^{extraordinary} reports of adverse entries in his ACR for the period 1.4.1986 to 31.3.1987. However, on his representation to General Manager, Ammunition Factory, Kirkee and Director General Ordnance Factories(DGOF) bringing out the whole sequence of events and the bias of officers against him, the DGOF changed the overall adverse grading of "Poor" to that of "Good". The applicant states that the harrassment still continued. Inspite of a medical certificate from the factory doctor, he was issued warning for taking 4 days sick leave. He was also allotted the work of unloading of incoming materials in truck loads by factory labourers, which was in fact a muddadam's job.

5. It is against this alleged continued harrassment that the applicant has approached the Tribunal on 9.9.1988 praying for the following reliefs:-

- (a) Posting the applicant in any technical section of his trade/discipline.
- (b) ACRs in respect of the applicant for the entire period of posting in "non technical" section should not be considered by any Departmental Promotion Committee(DPC).
- (c) Financial losses caused to Government and other irregularities pointed out by the applicant in the disposal of scrap should be enquired into and two
- (d) Action should be taken against the two contractors who had submitted false complaints against the applicant.

6. During the hearing on 20.4.1989, the applicant appeared in person and Shri S.R.Atre(for Mr.P.M.Pradhan) learned advocate for the respondents.

7. Regarding the first relief sought by the applicant, it may be mentioned that the applicant has since been posted from January 1989 to a technical section, viz. A-II S_n. It is conceded by the applicant that the grievance regarding posting to a non-technical section, therefore, no longer survives. For this reason, I do not wish to go into the merits of the rival contentions whether it is permissible or not under SRO 4 of 1956 to post the applicant to the Stores Section or any other ^{non-} technical section.

8. As regards the reliefs in para 4(c) and (d) above, in my view these are not service matters or matters arising directly out of the service conditions of the applicant. The applicant's prayer for directing the respondents to enquire into the alleged losses and other irregularities as also to take action against the contractors for alleged false complaints is, therefore, rejected.

9. The only relief prayed for by the applicant which deserves consideration is regarding non-consideration by DPC of his ACR for the period of his posting in Stores Section. As stated earlier, the period of the posting of the applicant in Stores Section is from February, 1986 to January, 1989. Admittedly, the adverse entries in his ACR for 1986-87 have been reviewed and the overall grading changed from "Poor" to "Good" by DGOF on his representation. The applicant's interest would not, therefore, be harmed if the ACR for 1986-87 is taken into consideration by DPC. The

The applicant stated during the hearing on 20.4.1989 that some adverse remarks from his ACR for 1987-89 were also communicated to him on 24.1.1989 and he has represented against these adverse entries on 6.2.1989 but he is yet to receive a reply. He apprehends that his ACR for 1988-89 may also contain some adverse entries which may be communicated to him in future.

10. The very fact that the DGOF has upgraded the overall assessment given to the applicant in his ACR for 1986-87 from "Poor" not only to one stage higher to "average" or "satisfactory" but two stages higher to "Good", does show that the applicant's allegation that he could not expect the right assessment on his work in the Stores Section from his immediate superiors was not entirely without foundation. The applicant's ACR for 1986-87 having already been upgraded, some relief as prayed for by the applicant will have to be granted in respect of the remaining two years' ACRs.

11. In the result, the application partly succeeds. The respondents are directed to ensure that his ACR for 1987-88 is not taken into consideration by the DPC considering his case for promotion until DGOF has taken a decision on the representation made by the applicant against adverse remarks therein. Similarly, in case there are any adverse remarks in his ACR for 1988-89, the respondents should communicate them to the applicant as far as possible, within the time limit prescribed in this regard under Government instructions, and in case the applicant chooses to make a representation against any such

adverse remarks, his ACR for that year should not be considered by any DPC until his representation is finally decided by DGOF. The parties to bear their respective costs.


(M.Y. Priolkar)
Member(A)