

(9)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No.
~~Tax No.~~

922/88

198

DATE OF DECISION 27/9/91

Shri A.Srinivasan.

Petitioner

Shri E.K.THOMAS,

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri P.M.Pradhan.

Advocate for the Respondent(s)

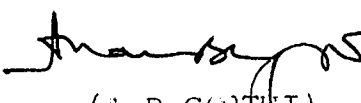
CORAM :

The Hon'ble Mr. U.C.Srivastava, Vice-Chairman,-

The Hon'ble Mr. A.B.Gorthi, 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? >

MGIPRRND-12 CAT/86-3-12-86-15,000


(A.B.GORTHII)
MEMBER(A).

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

Original Application No.922/88.

Shri A.Srinivasan.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri U.C.Srivastava,
Hon'ble Member(A), Shri A.B.Gorthi.

Appearances:-

Applicant by Mr.E.K.Thomas.
Respondents by Mr.P.M.Pradhan.

Judgment:-

¶ Per Shri A.B.Gorthi, Member(A)¶

Dated: 27/9/81

The applicant who was promoted to the post of Chargeman Gr.I (N.T.) w.e.f. 9.12.1979 claims, by means of this application under section 19 of the Administrative Tribunals Act, 1985, to be promoted w.e.f. 10.12.1979 so that he maintains his seniority over his erstwhile juniors and is also further considered for his next promotion to the grade of Foreman (NT).

2. The applicant joined the Machine Tool Factory under the Director General, Ordnance Factory Board as a Stenographer on 12.9.1963. Thereafter, he chose to step into the Supervisory stream and was accordingly promoted as Supervisor 'A' (NT) on 23.12.1966. He was again promoted as Chargeman Gr.II (NT) on 1.5.1975 and as Chargeman Gr.I (NT) on 19.12.1979. Further he was promoted as Assistant Foreman (NT) on 1.9.1980. His grievance is that some Stenographers who having joined the service after 12.9.1963 ^{and} were thus junior to him were promoted as PAs some time in 1972 and 1973 and as Chargeman Gr.I (NT) on 10.12.1979. Having thus been promoted to the grade of Chargeman Gr.I (NT) a few days earlier than the applicant they all became senior to the applicant and have consequently been

...2.

further promoted to the grade of Foreman in March, 1985 while the applicant remained stagnated as Assistant Foreman w.e.f. 1.9.1980.

3. The respondents have clarified through their written statement that the applicant having chosen to join the Supervisory stream cannot compare himself with those who have stayed back as Stenographers. The applicant initially got the benefit of quicker promotion as can be seen from the fact that he was promoted as Supervisor 'A' on 23.12.1966. The other Stenographers who did not choose to join the Supervisory stream had to stagnate as Stenographers till they were promoted as PAs when the Government introduced the said higher appointment. The scale of pay of PAs was Rs.425-700. The applicant could reach this scale of pay only when he was promoted as Chargeman Gr.II (NT) on 1.5.1975. Accordingly, for the next promotion to Chargeman Gr.I (NT) the applicant became junior to his erstwhile colleagues who got into the pay scale of Rs.425-700 much earlier than the applicant. In other words, the contention of the respondents is that the applicant having chosen to join the Supervisory stream can complain only if any one in that stream has superceded him and not when those belonging to a different stream over take him. The mere fact that those who became senior to him were at one time junior to him would not make any difference because of the intervening factor of the applicant having changed his avenues of promotion.

4. Our attention has been drawn to a Judgment Jabalpur Bench of delivered by this Tribunal in the case of Shashi Kant & Others v. Union of India (T.A.30/1986). In that case the various questions related to the introduction of the promotional post of P.A. to Stenographers in the year 1969-70 and its implementation in 1972-73 came up for consideration. It was held that PAs could not be considered for promotion as Chargeman Gr.I as the relevant

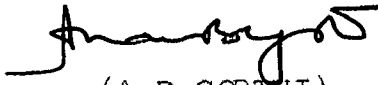
Recruitment Rules do not show the appointment of PA as a feeder post for promotion to Chargeman Gr.I (NT). The Tribunal however, held ^{that the} PAs who had already been promoted as Chargeman Gr.I (NT) need not be reverted from the post they were actually occupying, but their inter se seniority would require to be reviewed and revised by the respondents.

~~xxxxxxxxxxxxxxxxxxxx~~ The respondents in that case were further directed to examine the question of making the scale of pay of the post of Supervisor 'A' (NT) as equivalent and identical to that of Chargeman Gr.II (NT) and take an appropriate decision at an early date.

5. The applicant in the instant case was promoted as Supervisor 'A' (NT) on 23.12.1966 but he was given the scale of pay of Rs.425-700 only when he was later on promoted as Chargeman Gr.II (NT) on 1.5.1975. If as a result of the decision of this Tribunal in the afore cited case is implemented by the respondents then the applicant too would become entitled to the scale of pay of Rs.425-700 w.e.f. 23.12.1966. Even if that is given to him notionally his seniority would require to be adjusted accordingly and in that case he would certainly become senior to the respondents who were promoted as PAs in the scale of Rs.425-700 some time in 1972-73.

6. In the result we direct the respondents to take a comprehensive view of the matter in the light of the Judgment already passed by the Jabalpur Bench of this Tribunal in the above case and in view of the observations made by us in the preceding paragraph. The specific question of seniority of the applicant shall accordingly be determined in consonance with the overall decision taken by the respondents and this shall be done within three months

from the date of communication of this order. The application is disposed of in the above terms without any order as to costs.



(A.B. GORTHI)
MEMBER (A)



(U.C. SRIVASTAVA)
VICE-CHAIRMAN.