

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH.

ORIGINAL APPLICATION NO.:521/2000

Dated this Friday the 5th day of January, 2001.

P.T. Sutar

Applicant

Mr. R.P. Saxena

Advocate for the
Applicant.

VERSUS

Union of India

Respondent.

Mr.R.R. Shetty for
Mr.R.K. Shetty

Advocate for the
Respondents.

CORAM :

Hon'ble Shri B.N. Bahadur, Member (A)
Hon'ble Shri S.L. Jain, Member (J)

(i) To be referred to the Reporter or not ? Yes

(ii) Whether it needs to be circulated to other Benches
of the Tribunal ? No

(iii) Library. No

B.N. Bahadur
Member (A).

H.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO.521/2000

Dated this Friday the 5th Day of January, 2001.

Coram : Hon'ble Shri B.N. Bahadur, Member (A)
Hon'ble Shri S.L. Jain, Member (J)

Shri Pandurang T. Sutar,
Panchsheel Nagar, Sainath Mandal,
Golibar Road, Ghatkopar (West),
Mumbai - 400 086.

.. Applicant.

(By Shri R.P. Saxena, Advocate)

Vs.

1. Union of India, through
the General Manager,
Canteen Stores Department,
ADELPHI, 119, M.K. Road,
Mumbai - 400 020.

.. Respondent.

(By Mr.R.R. Shetty for Mr.R.K. Shetty,
Advocate).

ORDER (Oral)
[Per : B.N. Bahadur, Member (A)]

This is an application made by Shri Pandurang T. Sutar seeking the relief from this Tribunal as follows:-

8.01 To order review D.P.C. with consideration of 18 years experience of carpentry, possessed by the applicant for panel of Carpenter dated 10.8.1999.

8.02 To order consideration of experience of carpentry possessed by the applicant atleast for next panel to be drawn after 10.8.1999 for the post of Carpenter.

8.03 To order cost and such other reliefs as this Hon'ble Tribunal may deem fit and proper in the conspectus of the facts and circumstances of the case".

2. Since the facts of the case and issues involved are made in short compass, we are disposing this case at the stage of



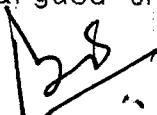
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admission. We have heard Learned Counsel for the Applicant, Shri R.P. Saxena and also heard Shri R.R. Shetty for Mr.R.K. Shetty, Learned Counsel for the Respondents.

3. The case of the applicant is that, he is working as Mazdoor in Gr. 'D' post with effect from 20.3.1990. It is his contention that his services are being used for carpentry work and that he is actually discharging the duties of Carpenter (Gr. 'C' post) since March, 1990. He is only receiving an honorarium which is varied from time to time for his working in a position of higher skill/responsibility.

4. The main ground taken by the Learned Counsel for the Applicant is that his experience should be considered for promoting him to the post of Carpenter. It is argued that in view of such experience and the fact that he is actually working as Carpenter, he stands apart from the other Mazdoors, and this should be taken into account to provide him with extra advantage in the matter of promotion. This is the main argument made out by the Learned Counsel for the Applicant.

5. The Respondents have filed their written reply. They have taken the support of Recruitment Rules. Firstly it is pointed out that the applicant is indeed eligible for promotion to the post of Carpenter as per Recruitment Rules which stipulate, interalia, that a Mazdoor with 8 years of service is eligible for consideration. Accordingly, he has been considered for trade test and also being eligible, but considering the number of posts available only his seniors could be appointed. Learned Counsel argued the case on the basis of the written statement.

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6. We have considered all papers in the case and also the arguments raised before us.

7. The matter is clear in that, as per Recruitment Rules, the applicant became eligible for consideration to promotion to the post of Carpenter (Gr.'C') after 8 years of service in the grade of Mazdoor i.e. on 20.3.1998. Infact he has been considered thereafter, as detailed out in the written statement, and has not been possible to appoint him because of limitation of the number of posts available.

8. Now, considering the main contention of the Respondents about experience we are not at all convienced that we can issue directions on the basis of experience to the effect that the Applicant should be considered as standing over and above others. We have carefully seen the Recruitment Rules and there is no separate prescription which entitles the applicant for overriding preference in view of the experience. It is true that he is doing the work of Carpenter as explained, while others may not doing so but he has accepted this position, and is being receiving now honorarium for this work.

9. In view of the above discussions it is clear that we cannot provide the relief as claimed by the applicant. In the consequence, this application is hereby dismissed, with no order as to costs.

P.S.J.
(S.L. Jain)
Member (J)

B.S.B.
(B.N. Bahadur)
Member (A)