

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO:262/2001  
DATED THE 31ST DAY OF MAY,2002.

CORAM: HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE CHAIRMAN  
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

1. Workmen/Employees  
in Electrical Department,  
ISP/CNP at Nasik  
Kriti Samiti

2. Shri Kahane M.C.,  
Shri Krishna Nagar,  
Near Dasau Bas Stop,  
Jail Road, Nashik Road,  
Nashik.

... Applicant.

By Advocate Shri U.M.Joshi

V/s.

1. The General Manager,  
ISP/CNP Nashik Road,  
Nashik.

2. Deputy General Manager,  
CNP/ISP Nashik Road,  
Nashik.

3. Chief Administrative Officer,  
ISP/CNP Nashik Road,  
Nashik.

4. Chief Engineer CNP/ISP,  
Nashik Road, Nashik,

5. B.R.Kedare,  
Assistant Works Engineer,  
CNP, Nashik Road, Nashik.

... Respondents

By Advocate Shri V.G.Rege.

(ORAL)(ORDER)

Per Smt.Shanta Shastry, Member(A)

The main cause of grievance of the applicants is the promotion granted to Respondent No.5 as Assistant Electrical Engineer in the Electrical Department of the ISP & CNP that looks after all maintenance work of ISP & CNP. The applicants have

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therefore challenged the promotion granted w.e.f. 31/7/2000 vide order dated 10/8/2000.

2. The applicants are industrial workmen and are working in the electrical department of the workshop of ISP & CNP. They have made this application jointly against the promotion of respondent no.5. According to the applicants, the respondent no.5 does not come in the zone of consideration for promotion to the post of Assistant Electrical Engineer because he does not possess any academic qualification in the electrical trade not has he acquired electrical qualification like electric fitter, any diploma certificate from any authorised institutions for such qualification. The respondent no.5 is an oil engine fitter and this job belongs to mechanical trade.

3. The applicants submit that according to the recruitment rules for the post of Assistant Works Engineer (Electrical), the senior most person amongst journeymen who possess the required qualification in electric trade can be considered for promotion. According to the applicant the action of the respondents in promoting respondent no.5 at the outset is illegal and the respondents have not gone by the statutory rules. The applicants made a representation in this respect vide letter dated 28/6/2000 i.e. before the promotion was granted to respondent no.5. They also sought a meeting with the respondent authorities. However, the promotion order was issued. The applicants have also stated that prior to the present promotion, the respondents had planned to promote respondent no.5 in 1998. However, the same was withdrawn on a representation made by Shri E.L.Unawane who is the member of the Kriti Samiti (i.e. Applicant no.1). The applicants are surprised that a person who does not possess any

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qualification of electrical department is promoted as Assistant Works Engineer in that department. The applicants have therefore prayed to quash and set aside the promotion order of respondent no.5 and to hold a fresh DPC of eligible persons amongst the applicants for consideration of promotion.

4. The respondents submit that the electrical department has two units, Electric shop and Powerhouse. The Electric shop has the posts of Mazdoor, Liftman/Helper, Electricians, Senior Electricians/Armature Winder and Journeyman(Electrical). The posts are in the ascending order. The posts in Powerhouse consists of industrial workmen in the grade of Assistant Oil Engine Driver, Oil Engine Driver, Fitters and Journeyman besides Electricians, Senior Electricians. According to the Recruitment Rules for the post of Assistant Works Engineer(Electrical), the post can be filled by Promotion from amongst Journeyman eligible of India Security Press/Currency Note Press (ISP/CNP) in the scale of Rs.1350-2200 with two years regular service in the grade. The senior most journeyman is considered for promotion to the post of Assistant Works Engineer(Electrical) in staff cadre as per the given quota. The respondent no.5 was the senior most journeyman in the electrical department working in the Powerhouse since the beginning w.e.f. 16.6.1989. He has completed 12 years of service in the cadre of Journeyman and therefore he was found eligible for promotion to the post of Assistant Works Engineer (Electrical). According to the respondents, the post in each department are to be filled from amongst employees within the department, i.e. in electrical department from amongst the persons in electrical department. Similarly, persons working in

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Mechanical/Civil/Electronics department are not considered for promotion to higher posts in other departments. No educational qualifications are prescribed for promotion. According to the respondents, the respondent no.5 alone was eligible at the relevant time as he had put in more than two years service as Journeyman in the Electrical department. It is also submitted that one Shri E.L.Unawane who was working as Journeyman in the electrical department in electric shop was working as Journeyman from 13/10/1998. He is much junior to respondent no.5 and he had not completed two years service nor had any of the other applicants completed two years service as journeyman from 10/12/1998 and therefore the respondents were justified in promoting respondent no.5 to the post of Assistant Works Engineer(Electrical). The respondents have also denied that respondent no.5 was not promoted earlier because of representation received from Mr.Unawane. According to the respondents therefore the promotion of respondent no.5 is legal.

5. The learned counsel for respondents has produced the copy of DPC proceedings in this connection.

6. We have heard the learned counsel for the applicant as well as respondents. It is seen from the Recruitment Rules for the post of Assistant Works Engineer(Electrical) that the feeder post is that of Journeyman within the department. Even in the respondents reply it is stated that the Powerhouse is a part of the Electrical Department. This being so, it cannot be said that respondent no.5 was not eligible for promotion to the post of Assistant Works Engineer. We also note that no educational qualification is prescribed as far as promotion is concerned.

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What is prescribed is two years of service in the grade of Journeyman. It is also seen from the DPC proceedings that applicants were not eligible and that they were not even within the zone of consideration because they had not completed two years of service as Journeyman. The applicants have not produced any details of their service in the OA. They have not even denied the averments made by the respondents that Shri Unawane was promoted as Journeyman on 17/12/98 nor have they denied that respondent no.5 was promoted as Journeyman on 30/6/1989.

5. In the light of the discussion above, we do not see any illegality or irregularity in the promotion of respondent no.5 to the post of Assistant Works Engineer(Electrical). The applicants have failed to make out their case. In the circumstances, we do not see any good reason to interfere with the impugned order dated 10/8/2000 promoting respondent no.5.

Accordingly OA is dismissed. No costs.

*Smt. Shanta Shastri*

(SMT.SHANTA SHASTRY)  
MEMBER(A)

*B. Dikshit*

(BIRENDRA DIKSHIT)  
VICE CHAIRMAN

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