

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 273/2001

DATE OF DECISION: 24/04/2001

Shri E.V.Shaji

Applicant

Shri U.Warunjikar

-----Advocate for
Applicant.

Versus

Union of India & 4 Ors.

-----Respondents.

Shri R.K.Shetty

Advocate for
-----Respondents.

Coram:

Hon'ble Shri Kuldip Singh, Member(J)

Hon'ble Smt. Shanta Shastry, Member (A).

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to
other Benches of the Tribunal?
3. Library.


(KULDIP SINGH)
MEMBER(J)

abp

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:273/2001
DATED THE 24th DAY OF APRIL 2001**

**CORAM: HON'BLE SHRI KULDIP SINGH, MEMBER(J)
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)**

Shri E.V. Shaji,
Steno Gde III,
Central AFV Depot,
Kirkee, Pune.

... Applicant

By Advocate Shri U. Warunjikar

V/s.

1. The Union of India,
Through Secretary,
Ministry of Defence,
Sena Bhavan, New Delhi - 110 011.
2. The Director General of Ordnance Services,
Master General of Ordnance Branch,
Army Headquarters,
DHQ PO, New Delhi - 110 011.
3. The Officer-in-Charge,
Army Ordnance Corps Records,
Secunderabad - 500 015.
4. The Commandant,
Central AFV Depot,
Kirkee, Pune - 411 003.
5. Smt. Laila P Menon,
Steno Gde III,
Central AFV Depot,
Kirkee, Pune - 411 003.

... Respondents

By Advocate Shri R.K. Shetty.

(ORAL) (ORDER)

Per Shri Kuldip Singh, Member(J)

Heard Counsel for applicant in this OA. In this OA, the applicant has challenged the order dated 6th December, 2001 wherein the applicant and Respondent No.5 have been promoted to

fn

...2.

:2:

Grade II and the applicant has been posted at Jabalpur. The grievance of the applicant is that according to the declared policy of the respondents, the juniormost candidate is to be absorbed in the Station where the applicant is already working. The counsel for the applicant further submits that Smt.Laila Menon, Respondent No.5 in the OA is senior to the applicant in the Station seniority and the applicant is junior in the station seniority. It should be the applicant who should have been absorbed at the station whereas the private respondent Smt.Laila Menon has been absorbed.

2. Hence ^{by} ~~the~~ order of transfer on promotion be quashed ~~and~~ since it is not in accordance with the guidelines issued by the Department.

3. Defending this the learned counsel for the respondents submitted that according to the policy, it is the junior most candidate who is to be absorbed and as per the selection, the private respondent Smt.Laila Menon was declared junior most promotee who was available at the station and the others had to be transferred in line with the policy issued by the department.

4. Thus, both the counsels rely upon para-34 ^{transfer policy} which is at page- 40.

34. Names of individuals appearing in the select DPC Panel will be promoted to the extent of vacancies available in the Corps from time to time according to their seniority in a station/group of stations. At the time of promotion, junior amongst the promotees will be absorbed in situ against the vacancies and the remaining will be posted out wherever vacancies exist.

...3.

:3:

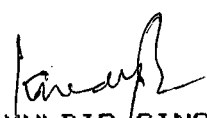
5. On perusal of para-34, we find that this para can be divided into two parts, first part ^{deals} with promotions, which says that to the extent of vacancies available in the Corps from time to time according to their seniority in a station/group of stations. Second part speaks about the posting time, the juniors amongst the promotees has to be absorbed insitu."

6. On a perusal of the postings on promotion issued, we find from the recommendation of the DPC the list of junior most promotee and the senior most promotee, ^{is in accordance with the} the ^{later} part of the policy at para-34 of the policy and postings of promotion.

7. In the circumstances, the OA does not call for any interference and the OA is dismissed at the admission stage. No costs.


(SHANTA SHASTRY)
MEMBER(A)

abp


(KULDIP SINGH)
MEMBER(J)