

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH BANGALORE

DATED THIS THE 28TH NOVEMBER 1986

Present: Hon'ble Shri Ch. Ramakrishna Rao,

Member (J)

Hon'ble Shri P. Srinivasan,

Member (A)

APPLICATION NO. 1351/86

RABIN MOHAN MOSES,  
Aged about 47 years,  
Manager (Photolitho),  
Govt. of India Text Books Press,  
Mysore-570 011.

Applicant

(Shri M. Narayanaswamy, Advocate)

1. The Union of India,  
represented by its Secretary,  
Ministry of Urban Development,  
Nirman Bhavan, New Delhi-11.
2. The Director of Printing,  
'B' Wing Govt. of India,  
Nirman Bhavan, New Delhi .11.
3. The Manager,  
Government of India Text Books  
Press, Mysore.
4. Sri B.R. Chopra, Major,  
Deputy Manager (Photolitho),  
at present working as Manager  
(Press), Ministry of Finance,  
(Dept. of Economic Affairs),  
North Block, New Delhi.
5. Sri M.L. Eshwari, Major,  
Government of India Press(P.L.W.)  
Gandhi Nagar,  
NASIK -6.

Respondents

(Shri M.S. Padmarajaiah, Advocate)

This application has come up for hearing before  
this Tribunal to-day, Member (A) made the following:-

O R D E R

The applicant who was working as Deputy  
Manager (Photolitho) at the Government of India Text  
Book Press, Mysore, was asked to carry on the duties  
as Manager in addition to his own duties from 3.10.80  
when the earlier incumbent of that office proceeded  
on leave preparatory to retirement. Subsequently on

P. S. ...2/-

representations made by the applicant, two orders were issued by the Directorate of Printing (respondent 2) one dated 22.9.1981 and the other dated 13.11.1982 the combined effect of which was to appoint the applicant on an ad hoc basis as Manager of the said Text Book Press at Mysore with effect from 3-10-1980. He continued in that post till 1986. In 1986, a Departmental Promotion Committee was held for considering promotion of Deputy Managers (Photolitho) to the post of Manager of the Press at Mysore. The applicant was the senior-most person in the cadre of the Deputy Managers who were considered. But the DPC selected a certain B.R.Chopra for promotion in preference to the applicant. Shri Chopra was junior to the applicant in the cadre of Deputy Managers. There upon an order dated 3.6.86 was passed promoting Shri Chopra to the grade of Manager. By the same order, the applicant was reverted to the post of Deputy Manager and posted to the Text Books Press at Chandigarh. A certain Shri M.L. Ishwari who was already working as Manager elsewhere was posted as Manager at Mysore in place of the applicant. Shri Chopra was probably accommodated elsewhere in the chain of transfers.

The applicant is aggrieved with the order dated 3.6.1986 by which he was reverted as Deputy Manager and Shri M.L. Ishwari was posted in his place. Shri B.R. Chopra and Shri M.L. Ishwari are respondents 3 and 4 in this application.

The main point urged by Shri M. Narayanaswamy, learned counsel for the applicant was that the

  
...3/-

applicant having worked as Manager at Mysore for six years from 1980 to date on an ad hoc basis, should not have been reverted in the manner he was. When the DPC considered all the candidates borne on the cadre of Deputy Managers for selection, the applicant's confidential reports for the last five years would have been looked into and his reports during this period would have been written about his work as Manager while the confidential reports for the last five years of Shri Chopra which would have been considered by the DPC would have been written about his work as Deputy Manager. Since the applicant was working as Manager and Shri Chopra as Deputy Manager, they were not equals and comparison of their confidential reports in different capacities amounted to violation of Article 14 and 16 of the Constitution.

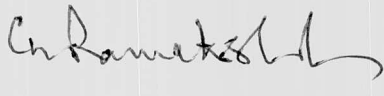
Shri M.S. Padmarajaiah learned counsel for the respondents rebuts the arguments of Shri Narayanaswamy. He asserts that as a matter of fact, Shri Chopra was also working in a post equivalent to that of Manager in Government of India for a period of about five years before he was considered along with the applicant and selected by the DPC for the post of Manager. In other words, his confidential reports for the last five years which would have been considered by the DPC were written about his work in the same status as that of the applicant


P. S. .5.4/-

and therefore there was no infringement of the equality clause of Articles 14 and 16. of the Constitution.

In view of the clear assertion of learned counsel for the respondents that both Shri Chopra and the applicant were working in posts of equal status during the last five years before the DPC was held, we see nothing wrong in their character rolls for these five years being considered for selecting the better candidates. This having been done and the DPC having selected Shri Chopra, we do not propose to interfere with the process of selection. The applicant's claim has therefore to fail.

In the result, the application is dismissed. There will be no order as to costs.

  
(CH. RAMAKRISHNA RAO)  
MEMBER (J)  
28.11.86

  
(P. SRINIVASAN)  
MEMBER (A)  
28.11.86



Balu\*