

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: BANGALORE

DATED THIS THE 2ND DAY OF DECEMBER, 1986.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And

Hon'ble Mr. P. Srinivasan,

.. Member(A).

APPLICATION NUMBER 323 OF 1986.

R.A. Oolaganathan,
S/o M.R. Adimulam, Major,
Chargeman-II, EPD, Electronics
and Radar Development Establishment,
Bangalore-I.

.. Applicant.

(By Sri K.H. Jagadish, Advocate)

v.

1. The Union of India,
represented by the Secretary to Govt of India.
Ministry of Defence, New Delhi.
2. The Scientific Adviser to the Defence
Ministry, Government of India,
New Delhi.
3. The Director, Electronics & Radar
Development Establishment, Bangalore-I.
4. S.J. Jalandar Nath, L-524, Major,
5. S.S. Sastry, L-321, Major,
6. M.C. Sundararaj, L-45, Major,
7. M. Nataraj, L-99, Major,
8. V.R. Loganathan, L-365, Major,
9. G. Ramachandra, Major,
(Respondents 4 to 9 are Asst. Foreman
in the Electronics & Radar Development
Establishment, Bangalore-I.

.. Respondents.

(By Sri M.S. Padmarajaiah, Standing Counsel)

This application coming on for hearing this day, Vice-Chairman
made the following:

ORDER

In this transferred application received from the High Court
of Karnataka under Section 29 of the Administrative Tribunals Act
of

of 1985 ('the Act') the applicant has sought for a direction to consider his case for promotion to the posts of Supervisor Grade-II, Chargeman Grade-II, Chargeman Grade-I and Assistant Foreman on the dates respondents 4 to 9 were promoted to the said posts.

2. On 19-12-1955 the applicant joined service in the Technical Development Establishment (TDE) which became a part of LRDE. On 11-2-1967 he was promoted as an instrument mechanic, on which basis he was promoted as a precision mechanic on 1-5-1970. On the basis of the later promotion, the applicant has secured more than one promotion from time to time and is now working as a Foreman('FM').

3. The real grievance of the applicant is that respondents 4 to 9 who started their career in lower cadres when he initially joined service, have secured promotions to the different cadres noticed by us earlier, much earlier to him and on the basis of those promotions they had secured further promotions to the higher cadres also much earlier to him and are drawing higher pay than he is now drawing as FM, which is illegal and unjust. He, therefore, claims that he should have been promoted as Supervisor Grade-II in 1971 and all further promotions thereon to the other higher posts earlier to them.

4. In their reply, respondents 1 to 3 have asserted that the applicant who accepted a different channel of promotion had secured the promotions legitimately due to him from time to time and the promotions given to respondents 4 to 9 were legal and valid.

5. Sri K.H.Jagadish, learned counsel for the applicant contends that his client who started his career in a higher grade or cadre over respondents 4 to 9, with meritorious awards like 'Republic Day' awards should have been promoted as Supervisor-II earlier to all of them and in any event in 1971 itself, on which basis he should have secured further promotions to various other higher cadres on

on earlier dates.

6. Sri M.S.Padmarajaiah, learned Central Government Senior Standing Counsel, appearing for respondents 1 to 3 refuting the contention of Sri Jagadish, contends that the applicant who accepted the promotion of precision mechanic from the post of instrument mechanic was not entitled to claim promotion to the post of Supervisor-II earmarked to those holding the post of Instrument Mechanic and that in any event his claim was highly belated and calls for rejection on that ground itself. In the very nature of things it is necessary to examine this later contention of Sri Padmarajaiah first.

7. The applicant who approached the High Court on 4-11-1980 in Writ Petition No. 20603 of 1980 is asserting his claim for promotion to the cadre of Supervisor Grade-II as early as in the year 1971 itself. We will also assume that every one of the facts and the legal claims made by the applicant are also correct. What is incontrovertible however is that when he approached the High Court on 4-11-1980 nearly 9 years had elapsed which is not satisfactorily explained. When the applicant had allowed the matters to drift for nearly 9 years we are of the view, that both on principle and authority we should not undo the things that had happened from 1971 to 1980 and upset the events that had occurred during that long period.

8. But, Sri Jagadish relying on the last order made by the authority on 6th October, 1980 (Annexure-C) urged that there was no delay in the applicant approaching the High Court.

9. We are of the view that the endorsement issued by the authority on 6th October, 1980 (Annexure-C) rejecting his representations made from time to time or the very last representation made by him in the matter does not really advance his case and is not at all a circumstance to ignore the inordinate delay of 9 years in approaching the High Court. We are of the view that every one

of



of the circumstances pleaded by the applicant to ignore the inordinate delay of 9 years are not such in which this Tribunal which had stepped into the shoes of the High Court can ignore them at all. On this short ground the claim of the applicant calls for rejection.

10. Even otherwise the applicant who accepted the promotion of precision mechanic in 1971, secured the benefit of that promotion and higher pay attached to the same, cannot now turn round and contend that his claim for promotion to the post of Supervisor Grade-II which is equivalent to precision mechanic must be examined as if he was an instrument mechanic waiting for promotion. If we accept this claim, we will be undoing the very promotion the applicant secured as a precision mechanic. On merits also the applicant at no stage had suffered any injustice to justify our interference on any of his claims.

11. On any view of the matter, this is not a fit case in which our ^{inter}ference is called for on any of the claims of the applicant. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

Ms. Praveen
VICE-CHAIRMAN
2/12/86

P. S. - K. S.
MEMBER(A) 2/12/86

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