

(16)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

REVIEW PETITION NO. 78 OF 1994

in

O.A.No. 121/91

A.R. Chavan

..Applicant

V/s

Union of India & Ors.

..Respondents

Coram: Hon.Shri Justice M.S.Deshpande, Vice Chairman
Hon.Shri R. Rangarajan, Member(A)

TRIBUNALS ORDER:(By Circulation)
[Per: R. Rangarajan, Member(A)]

Dated: 1 .9.1994

1. O.A. No. 121/91 was decided on 10.3.1994 rejecting the prayer of the applicant for his promotion as Fitter and assigning him seniority in the cadre of Fitter over his juniors. This Review Petition has been filed for the review of the above decision in the above said O.A.

2. The main contention as can be seen from the Review Application is that the applicant in this Review Application has worked as Fitter and hence he is entitled for the same relief as given to the applicant in O.A.No.327/90 decided on 7.10.1991.

3. We have perused the judgment in OA NO.121/91 dated 10.3.1994. It has been clearly indicated in para 9 of the judgment that the applicant in this review petition has worked only as Casual Labourer Artisan upto 29.1.1988 from 19.9.1981. We have indicated very clearly in the above said para that 'no documents were produced by the applicant to show that he was regularly posted in Artisan category'. In all his representations enclosed as Annexures to the main O.A. No.121/91, the applicant had never stated that he worked as regular artisan in Group C category as Fitter. From all his representations, it can be clearly inferred that he had worked only as Casual Labourer Artisan, till he was regularly posted in Group D service on 29.1.1988.

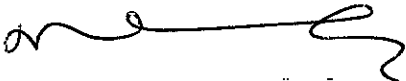
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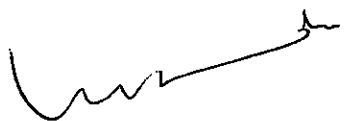
Hence he cannot claim promotion to Group C category against the quota earmarked for direct recruitment from casual labour artisan group after 29.1.1988, even if his juniors in the casual labour artisan category are posted against the direct recruitment quota after that date.

4. The case of the applicant in OA No.327/90 was differentiated because the applicant therein was regularly posted to Skilled Artisan cadre and thereafter reverted to Group D service because of which the respondents in that O.A. were directed to consider the case of the applicant in that O.A. for posting him in regular artisan cadre. Even in the review application, it has been clearly stated that Shri Shanmugan, applicant in OA NO.327/90 passed the Trade Test on 10.11.1987 i.e., while he was working as a Skilled Worker between the period 19.9.1982 to 11.3.1988, whereas in the case of review applicant no date of passing of the trade test has been indicated during the period he worked as Casual Labour Artisan Skilled Category from 19.1.1981 to 28.1.1988. Hence it can be safely concluded that the applicant in OA NO. 327/90 was regularly promoted to artisan category after passing the necessary trade test and was reverted to Group 'D' thereafter, whereas the applicant in this R.P. was never promoted to regular artisan category at any time. Hence, the case of the applicant in OA No. 327/90 can easily be differentiated from the case of the applicant in this R.P.

5. The statement dated 7.3.1994 submitted on behalf of the respondents has been unambiguously stated that none of the applicants junior to the erstwhile seniority of casual artisan were considered and posted as regular artisan in Group 'C' before the crucial dated of 29.1.1988. This factor has never been controverted by the applicant.

6. In view of what is stated above, we see no error apparent on the face of the judgment dated 10.3.1994 in O.A.No. 121 of 1991. Hence this R.P. merits no consideration and is therefore dismissed. No costs.


(R. Rangarajan)
Member(A)


(M. S. Deshpande)
Vice Chairman