

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

R.A.No. 62 of 1993 is

Dated: 26 NOV 1993

APPLICATION NO(s) 148 of 1993

APPLICANTS: Director General, Employment and Training, w/s.
TO. New Delhi & Others

RESPONDENTS: R. Francis, Bangalore-22.

- ① Sri. M. Vasudeva Rao,
Central Govt Standing Counsel,
High Court Bldg, Bangalore-1.
- ②. Sri. R. Francis, Et/o (late) Rayappa Sigamani,
No. 23, FT-I - HBCB,
Nandini Layout, Near: New BWSSB Water Tank,
Yeshwanthpur, Bangalore. 560028

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-XXX-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 24/11/93.

Mr. Dee S
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

26/11/93

gm*

Issued
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CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

REVIEW APPLICATION NUMBER 62 OF 1993

DATED THIS THE 24TH DAY OF NOVEMBER, 1993

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

And

Mr. V. Ramakrishnan, .. Member (A).

1. The Director General of Employment and Training, Ministry of Labour, Shrama Mantralaya, New Delhi.
2. The Director, Foremen Training Institute, Tumkur Road, Bangalore-22.
3. The Union of India, by its Secretary, Ministry of Labour, New Delhi. .. Applicants.

(By Standing Counsel Shri M. Vasudeva Rao)

v.

R. Francis,
S/o late Rayappa, Sigamani,
Aged about 37 years,
residing at Site No.23, FT-I-HBCB,
near New BWSSB Water Tank,
Nandini Lay-out, Yeswanthpur,
Bangalore-22.

.. Respondent.

O R D E R

Mr. Justice P.K. Shyamsundar, Vice-Chairman:

We have heard the learned Standing Counsel who for a change has sponsored this review application although we are accustomed to hear such applications at the instance of the applicant in the original proceedings before the Tribunal. Be that as it may, learned Standing Counsel takes exception to two observations made in our order dated 30-7-1993. One is that we had given *unjustifiable* *unpalpably* a direction to the Department to publish the results of the Departmental Promotion Committee. We have read the order



thus
and we are clear in our opinion that there is no such direction at all. This is what we said -

"The learned counsel for the applicant informs us that the department had already held such DPC but had not published the result. If that is the position, the department should publish the results of the DPC."

The above makes it clear and explicit that if the department had not published the results of the Departmental Promotion Committee, it will have to publish the same. We never asked the department to publish the results ~~when~~ it had done so earlier. At any rate we now make it clear by stating here and now if ~~the~~ results are already published it is not necessary to republish them again. The other objection taken by the learned Standing Counsel is that we had directed the claim of the applicant in the original application be considered for ~~of~~ manning a higher post of Maintenance Millwright although he did not have the eligibility tag as according to the Recruitment Rules one has to complete 7 years of qualifying service in the lower post to become eligible for claiming the post of Maintenance Millwright. According to the learned Standing Counsel the applicant R.Francis will be completing 7 years of qualifying service only in the year 1994 but we have considered this objection in para 4 of our order thus -



4. The learned Standing Counsel now mentions that the applicant is not eligible to be considered for higher post of Maintenance Millwright as he has not completed 7 years of qualifying service and he will be completing 7 years of qualifying service only in 1994. We however, find from Annexure-A16 dated 31-12-1985 the applicant in fact got appointed with effect from 31-12-1985 and the wording of the appointment order is such as to imply that it was a regular appointment. The respondents have not been able to show to us anything to the contrary. In view of this,

the applicant seems entitled to be considered along with the other eligible candidates. In case the applicant is selected for promotion and is actually promoted he would be given all consequential benefits as per Rules."

Our view as above specifically does not preclude the department from rejecting the applicant's claim for promotion as Maintenance Millwright if he is not qualified according to the Recruitment Rules. It certainly behoves on the part of the respondents to consider the applicant's case for the promotional slot provided he is qualified. In the light of the foregoing, we do not consider it necessary to entertain this review application. It stands dismissed.

Sd-

MEMBER(A)

Sd-

VICE-CHIRMAN.



TRUE COPY
N. A. S
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
26/11/83