

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 75/93
Transfer Application No.

Date of Decision : 8.6.1995

Shri E.K.Ramakrishnan

Petitioner

None

Advocate for the
Petitioners

Versus

Union of India & Ors.

Respondents

Shri R.K.Shetty

Advocate for the
respondents

C C R A M :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P.Srivastava, Member (A)

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?


(P.P.SRIVASTAVA)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY

OA.NO. 75/93

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Shri E.K.Ramakrishnan

... Applicant

v/s.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

None for the Applicant

Shri R.K.Shetty
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 8.6.1995

(PER: M.S.Deshpande, Vice Chairman)

By the present application the applicant seeks creation of further promotional avenues to his present post of Tech.Foreman (Pt.I Cadre) since promotional avenues exist for the Stores side and clerical/administrative side staff who are similarly circumstanced.

2. The applicant had initially filed OA.NO. 130/92 for the relief which he is claiming here and in that case since the applicant's representation had not been decided, the Tribunal ordered that the representation which was filed should be considered within a period of four months. Since It is apparent that pursuant to that order a communication dated 12.10.1992 (Ex.'A-1') was sent to the applicant stating that his request was forwarded and was turned down by the Army Headquarters by the letter dated 25.9.1992. The applicant made a grievance that he joined the department as Electrician on 28.11.1963 and he was subsequently promoted to the

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post of Senior Chargeman (Part I Cadre) in November, 1972 and thereafter he was further promoted to the present post of Tech. Foreman (Part I Cadre) in August, 1985. After having rendered 29 years of service, no further promotional avenues were available to him though such promotional avenues were open to three other channels under the respondents, viz., Technical, Stores and Clerical. The post of Ordnance Officer is a technical post and he should, therefore, to be considered for the promotional post of other technical department.

3. When the matter was taken up for hearing, there was no appearance for the applicant and we went through the material on record with the assistance of Shri R.K.Shetty, learned counsel for the respondents. Para 9 of the reply filed by the respondents shows that there is no comparison with regard to the channel of promotion of Tech. Supvr. staff with Storekeeping and clerical staff, obviously, there cannot be any direction by the Tribunal for creation of additional promotional post in the absence of rules and in the present case no such material has been produced before us. In Para 25 it has been stated that Ordnance Technical Personnel Association (Non-Ind) of AOC have filed a writ petition in Hon'ble CAT at New Delhi for their promotional avenues and seeking parity in pay scales equal to other organisations under the Ministry of Defence viz: DGOF and R&D wherein several representations have been referred to. It is apparent that the cadre Review Committee has been set up by the Ministry of Defence under the Chairmanship of JS(S) for Group 'B', 'C' & 'D' employees of AOC and that the report of the Committee is at final stage and the outcome is awaited.

We agree with the submission of the learned counsel for the respondents that any order in that case would govern the case of the applicant also and we therefore do not think that we should entertain the present application since the applicant had not cared to place sufficient material before us for enabling him to obtain the relief sought.

4. Since the matter is under consideration of the Principal Bench of the Tribunal at New Delhi, we only direct that the applicant's claim would abide by the relief which may be granted in that case. With this direction the OA. is disposed of. No order as to costs.


(P.P. SRIVASTAVA)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.