

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
OA.NO.1202/1995

Mumbai dated the 3rd day of August, 2001

CORAM:HON'BLE SMT.LAKSHMI SWAMINATHAN, VICE CHAIRMAN(J)
HON'BLE SMT.SHANTA SHAstry, MEMBER(A)

B.R.Godse,
Working at India Security Press,
having Batch No.V-12m
as D-3 Mazdoor in Versatile Section,
India Security Press,
Nasik Road,
Nasik- 422 101. Applicant

V/s.

1. Union of India,
through General Manager,
India Security Press,
Nasik Road, Nasik-422 101
2. Works Manager,
India Security Press,
(Versatile Technical Section),
Nasik Road, Nasik - 422 101
3. R.P.Dateer,
Working as Foreman,
Versatile Section,
India Security Press,
Nasik Road, Nasik - 422 101 Respondents

By Advocate Shri V.S.Masurkar

(ORAL) (ORDER)

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)

The applicant who was working as D-3, Mazdoor in Versatile Section with the respondents is aggrieved by the order issued by the respondents promoting one Shri R.P.Dateer from D-3 Mazdoor to Foreman, who he claims is his junior. The order impugned is dated 4/9/95.

None has appeared for the applicant. This case has been listed at serial no.5 in today's cause list and in Tribunal's order dated 26/6/2001, when learned counsel for applicant had

92
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sought an adjournment, it was recorded that no further adjournment shall be granted. In the circumstances, we have perused the documents on record and heard Shri V.S.Masurkar, learned counsel for respondents.

3. The brief relevant facts of the case are that the applicant submits that he is senior to respondent no.3. He had joined respondents on 13/5/72 as Mazdoor and according to him respondent no.3 joined on 24/6/74. He has submitted that by virtue of token numbers that have been assigned to him and respondent no.3 and taking into account the date of birth, he is senior to respondent no.3. The applicant states he was promoted to C-3 grade on 1/8/75 whereas respondent no.3 and another employee, Shri B.K.Bodge were given promotion to C-3 grade on 1/11/77. He has further submitted that all of them were transferred to the newly opened Versatile Section thereafter. He has, therefore, prayed that as he is senior to respondent no.3 he should have been promoted to the grade of Foreman prior to respondent no.3.

4. The aforesaid claims have been controverted by the respondents in their reply which has been filed as far back as 26/4/96. We note that no rejoinder has been filed by the applicant to this reply. We have also heard Shri V.S.Masurkar, learned counsel. He has drawn our attention in particular to paragraphs 8, 14 and 16 of the reply and has submitted that in the feeder grade, the applicant was not senior to respondent no.3. He has submitted that as per the seniority in the feeder grade, respondent no.3 was promoted on 15/10/80, the applicant

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was promoted on 23/11/83. He has, therefore, submitted that the action of the respondents are neither arbitrary nor malafide but are in accordance with the recruitment rules. The respondents have also clearly stated that the applicant was never senior to private respondent no.3 and all promotions have been strictly made in accordance with seniority cum suitability and the rules.

5. We have carefully considered the pleadings and submissions made by learned counsel for respondents.

6..... As mentioned above, as none has appeared for the applicant, this case could have been dismissed for non prosecution. However, we have seen the pleadings on record. From these we note that the applicant has not brought any document on record to establish his claim that he is senior to respondent no.3. In the facts and circumstances of the case, we find that he has been appointed as Senior Machine Assistant C-2 on 14/5/79 whereas respondent no.3 has been appointed on 13/3/79. In the higher post of D-1 also we note that respondent no.3 had been promoted nearly three years prior to the applicant.

7. In the facts and circumstances of the case, we find no merit in the application. The OA is accordingly dismissed. No order as to costs.

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(SMT. SHANTA SHASTRY)
MEMBER(A)

Lakshmi-Swaminathan

(SMT. LAKSHMI SWAMINATHAN)
VICE CHAIRMAN

abp.