

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO:1450/95

MONDAY the 16th day of JULY 2001.

CORAM: Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman.

Hon'ble Smt. Shanta Shastry, Member(A)

1. M.R. Teli
2. V.J. Sonar
3. A.K. Vispute
4. K.C. Gavande
5. P.S. Choudhari,
6. R.D. Choudhari
7. S.D. Palshikar
8. V.T. Mali
9. L.G. Patil
10. D.D. Mahajan
11. B.M. Sonar
12. N.S. Koli
13. N.N. Kolhe
14. M.K. Wagh
15. V.D.Koli
16. S.G. Koli
17. B.S. Koli
18. P.L. Tayade
19. P.T. Kolhe
20. R.H. Sonar
21. B.M. Kurade
22. M.S. Patil
23. D.B. Matale
24. S.L. Chaudhari
25. N.A. Mohin

26. G.N. Bhirud
27. R.N. Sonar
28. P.S. Borole
29. J.C. Prytp
30. K.B. Mahajan
31. M.B. Sonar
32. D.H. Rane
33. K.N. Patil

...Applicants.

All working as Tool Setter 'B'
(HSK II) Ordnance Factory
Varangaon, Dist. Jalgaon.

None for the applicants.

V/s

1. The Union of India through
The Secretary,
Department of Defence
Production, Ministry of Defence
DHQ PO, New Delhi.
2. The Chairman
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta.
3. The General Manager,
Ordnance Factory,
Varangaon,
Dist. Jalgaon.

...Respondents.

By Advocate Shri R.K. Shetty.

ORDER (ORAL)

{Per Smt. Lakshmi Swaminathan, Vice Chairman}

This case has been listed at serial No.7 in today's Cause list where it is also added that no adjournment will be granted for the cases which are prior to 1997. This OA has been filed on 4.12.1995 and it is noticed that none has been appearing for the applicants on a number of dates when the OA has been listed for final hearing.

2. In pursuance of the Tribunal's order dated 6.6.2001, Shri R.K. Shetty, the learned counsel for the respondents has submitted at the Bar that notices of final hearing of the OA has been served on the applicants individually and proof thereof has been shown to us and perused. In spite of that, none has appeared for the applicants. Earlier Ms. Neelima Gohad for Shri S.P. Saxena had appeared and submitted that Shri S.P. Saxena is no longer appearing for the applicants in the present OA. In the circumstances it appears that the applicants are no longer interested in pursuing the matter and the same could have been dismissed for default. However we have also perused the pleadings on record and noted that the applicants have not filed any rejoinder to the reply filed by the respondents as far back as 15.1.1997.

3. The main prayer of the applicants is for a direction to the respondents to consider them for promotion to the post of Highly skilled Grade I from the date their juniors were promoted to that grade with all consequential benefits. The respondents have stated in their reply that the applicants have nowhere specified as to which junior they are comparing themselves with. Secondly, they have also submitted that the promotion to the post of HSG I from the post of HSG II is Tradewise and not Gradewise as submitted by the applicants. They have relied on SRO No. 18-E/89 and SRO No. 185/94 which according to them clearly specify that promotions from HSG II to HSG I are Tradewise and not Gradewise.

4. Nothing has been brought on record by the applicants to controvert the above averments and statements made by the respondents regarding their claims for promotion from HSG Grade II to HSG Grade I. In the facts and circumstances of the case, we are, therefore, unable to agree with the contentions of the applicants that the action taken by the respondents is contrary to the provisions of the Rules and instructions to justify any interference in the matter.

5. Apart from that, we also note that a preliminary objection has been taken by the respondents that the OA also suffers from non-joinder of necessary parties. In case the claims of the applicants are allowed, it is likely to adversely affect the rights of other persons, namely their ^u juniors ^u, who have not been impleaded. The applicants have only impleaded the official respondents against their action in promoting their juniors. Therefore, in the facts and circumstances of the case the contention of the respondents that the OA fails for non-joinder of necessary parties is ^{also} ^{is} allowed.

6. In the result, as we find no merit in the OA and for ^{is} ~~the~~ non-joinder of necessary parties, the OA fails and is accordingly dismissed. No order as to costs.

Shanta I

(Smt. Shanta Shastri)
Member(A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Vice Chairman