

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A.No.922/90

Date of Order:13.10.93

Between:

C.Gangadharan.

.. Applicant

And

1.The Director,
Atomic Minerals Division,
Department of Atomic Energy,
A.M.O.Complex,
Begumpet, Hyderabad-500 016.

2.The Administrative and Accounts Officer,
Atomic Minerals Division,
Department of Atomic Energy,
A.M.O.Complex, Begumpet,
Hyderabad - 500 016.

.. Respondents.

Counsel for the Applicant : Mr. Sharief Ahmed

Counsel for the Respondents : Mr.N.V.Ramana

CORAM:†

THE HON'BLE JUSTICE MR.V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.A.B.GORTHY ½ MEMBER (ADJN.)

17

O.A.NO.922 of 1990

DATE OF DECISION: 13.10.1993

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

The applicant joined the Department of Atomic Energy, Atomic Minerals Division in April 1957 as casual labour. He was appointed as Khalasi on 29.6.1959 at Ghatsila. He was later promoted as Rigman in January 1961. He was given Tradesman 'A' grade in January 1978 and he was changed to Tradesman 'B' grade in November 1984. This OA was filed on 5.11.1990 praying for a direction to the respondents to give promotion to the applicant by changing the grade as Tradesman 'E' from the date his juniors were benefited by such a change with all consequential benefits.

2. Heard Shri Syed Sharief Ahmed, learned counsel for the applicant and Shri N.V.Ramana, learned Standing Counsel for the respondents. It is submitted for both the sides that the applicant was promoted to the Tradesman 'C' grade with effect from 1.11.1990 as per the proceedings dated 20.4.1991.

3. The rules stipulate that persons working as Tradesmen 'B' with five years of service having 'A' (Very Good), 'B' (Good) gradings in confidential reports for the preceding three years are eligible for consideration for promotion to the grade of Tradesman 'C'. The rules further state that a Screening Committee assesses merit of all eligible candidates on the basis of their Annual Confidential Reports/Dossiers and makes recommendations for promotion either from 1st of November or from 1st of May with reference to the date of appointment/promotion subject to their qualifying in the trade test/interview. It is pleaded for the respondents that

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though the applicant was eligible for consideration for promotion as on 1.11.1989, he was not promoted with effect from that date as he had not got necessary gradings for the three preceding years and he was promoted with effect from 1.11.90 to the post of Tradesman 'C' when he fulfilled the condition even in regards to the gradings.

4. Shri Syed Shareef Ahmed, learned counsel for the applicant states that when the prayer was for promotion to the grade of Tradesman 'E', he was given promotion to Tradesman 'C' and hence the applicant may be permitted to make representation to the respondents for promotion to the grade of Tradesman 'E'. The immediate promotion ~~gxx~~ from Tradesman 'B' is only to the grade of Tradesman 'C'. In none of the representations which are filed as Annexures B to D, it is stated that the applicant prayed for promotion to the grade of Tradesman 'E'. When the rules stipulated ~~for~~ that one should be in the grade of Tradesman 'B' for ^{it was} five years for being eligible for consideration for promotion to the grade of Tradesman 'C', ^{there} ~~was~~ could not be any prayer for promotion from the grade of Tradesman 'B' to Tradesman 'E'. But, if the grievance of the applicant is that his juniors were promoted to the grade of Tradesman 'B' even before he was promoted to the grade of Tradesman 'B' and when later on his erstwhile juniors in the grade of Tradesman 'A' had ultimately been given Tradesman 'E' grade after getting promotions to the grades of Tradesmen 'C' and Tradesmen 'D' ~~earlier~~, then it is not a ground for granting promotion to the applicant to the grade of Tradesman 'E' from the date his junior was promoted to that grade for two reasons:-

1) if the juniors of the applicant were promoted to the grade of Tradesmen 'B' even before 1984, the same

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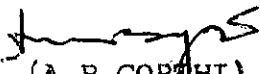
.. 4 ..

cannot be challenged after a lapse of 10 years and thus on the ground of laches, the said claim has to be negated.

ii) The rules stipulate that for promotion from one grade to another, one has to complete three years if he gets grades 'Outstanding'; four years if he gets 'Very Good' and five years if he gets 'Good'. It is stated that the applicant was not given promotion to the grade of Tradesman 'B' till he satisfied that condition. Hence, in either view, the applicant is not entitled to the relief of promotion to the grade of Tradesman 'E', from the date his juniors were given that grade.

5. In the result, no further order is necessary as the applicant was promoted to the grade of Tradesman 'C' after he got necessary gradings. The OA is closed accordingly.

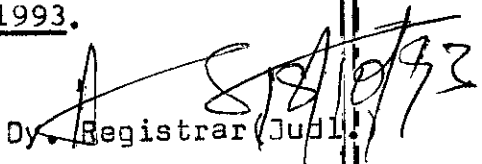
No costs.


(A.B. GORTHI)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 13th October, 1993.

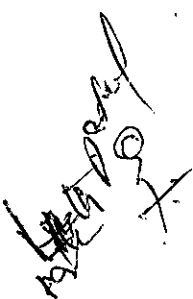
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Dy. Registrar (Judl.)

Copy to:-

1. The Director, Atomic Minerals Division, Department of Atomic Energy, A.M.O. Complex, Begumpet Hyd-016.
2. The Administrative and Accounts Officer, Atomic Minerals Division, Department of Atomic Energy, A.M.O. Complex, Begumpet, Hyd-016.
3. One copy to Sri. Sharief Ahmed, advocate, 3-6-725, Street No.11, Himayatnagar, Hyd-29.
4. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-



OA-922/90

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI :MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.P.T.TIRUVENGADAM:M(A)

Dated: 13/10/-1993

ORDER/JUDGMENT:

~~M.A./R.A./C.A.No.~~

in

922/90.

O.A.No.

T.A.No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

