

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1635/97.Dt. of Decision : 24-03-99.

M.Ramakrishna

.. Applicant.

Vs

1. The Secretary,
Min. of Defence,
New Delhi.
2. The Chief of Naval Staff,
Naval Headquarters,
New Delhi.
3. The Flag Officer-in-
Commanding Chief,
Naval Dockyard,
Visakhapatnam.
4. The Admiral Superintendent,
Naval Dockyard,
Visakhapatnam.
5. The Manager (Personnel)
Naval Dockyard,
Visakhapatnam.
6. K.P.Paul.

.. Respondents.

Counsel for the applicant : Mr.S.Kishore

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON. SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.S.Kishore, learned counsel for the applicant earlier and he had also submitted a written argument. Heard Mr.V.Bhimanna, learned counsel for the respondents. Notice ^{is} served on R-6. R-6 was not present.

2. The facts of this case as submitted by the applicant are as follows:-

The applicant is qualified in trade of Sheetmetal having been obtained the I.T.I. certificate. He joined as an Apprentice with the respondents organisation on 9-3-76. By proceedings dated 7-10-76 the applicant was appointed as Boiler Maker Skilled Grade-C. He was promoted to HSK-II (Group-B) on 21-12-78 and ^{to} HSK-I (Group-A) on 2-1-85. The applicant submits that while he was working as HSK-I he succeeded in the Departmental examination held in the month of April, 1986 for promotion to the post of Sr.Chargeman (Boiler Maker). The eligibility conditions for promotion to the Sr.Chargeman as stated by him are (a) Mechanics (Group-A) Tradesman if he completes 3 years of service in Group-A (Mechanic Trade) or (b) Tradesman Group-A with 4 years service in the grade of Tradesmen Group-A and Group-B and passed the Departmental examination. The applicant submits that he was eligible to appear for the departmental examination from 2-1-85.

3. A notification was issued on 9-3-85 for filling up the vacancies for the post of Sr.Chargeman (Boiler Maker) directly. The applicant protested against that recruitment as eligible candidates ^{were} ~~are~~ available within the department for promotion. The department reported to have assured that the request of the employees for promotion within the department ^{would} ~~will~~ be considered. It is also stated that the applicant was entrusted with the job of

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Maker

Sr.Chargeman (Boiler^{*Maker*}) as per instructions of the Management. The Departmental Promotion Committee met during 1986-87 and ultimately issued the promotion list to the post of Sr.Chargeman (Boiler Maker) w.e.f., 2-5-88. The name of the applicant in that list figures for selection to the post of Sr.Chargeman in the Boiler Maker Trade w.e.f., 2-5-88. The above order bearing No.FIR/0212/TSS dated 10-5-88 is at Annexure-IV (at page-13 to the OA). The applicant submits that even though he was looking after the post of Sr.Chargeman (Boiler^{*Maker*}) w.e.f., April, 1986 he was not given any monetary benefit. He submitted his representation to that effect for getting the monetary benefit.

4. The applicant further submits that the post of Foreman (Boiler Maker) is to be filled by promotion from Sr.Chargeman (Insulation) and Sr.Chargeman (Boiler Maker). Disregarding that recruitment rule R-6 was posted as Foreman (Boiler Maker) even though he ~~does~~^{*did*} not belong to the category of Sr.Chargeman (Insulation) or Sr.Chargeman (Boiler Maker).

5. The applicant submitted representation for giving him Sr.Chargeman promotion from 1986 onwards by his representation dated 22-3-86 (Annexure-III) instead of from 2-5-88. He has also submitted representation dated 3-8-90 against the promotion of R-6 as Foreman (Boiler Maker). That was disposed of by order No.FIR/0212/TSS dated 25-09-90 (Annexure-VI) on the ground that he is qualified for promotion to the post of Foreman (Boiler Maker) only from 2-5-91 as he was promoted as Sr.Chargeman (Boiler Maker) w.e.f., 2-5-88. On that ground his request was rejected. Earlier also his case was rejected for promotion as Foreman (Boiler Maker) by letter No.PIR/0212/TSS dated

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10-4-90 (Annexure-VII) on his representation dated 28-3-90. Subsequently also he submitted representation for the same relief by his representations dated 2-5-91 (Annexure-IX) and dated 4-6-97 (Annexure-X). All those representations were disposed of by the impugned letter No.PIR/0503/TSS dated 20-06-97 (Annexure-XI).

6. This OA is filed to set aside the impugned order No.PIR/0503/TSS dated 20-06-97 (Annexure-XI) and for a consequential direction to the respondents to promote the applicant to the post of Foreman (Boiler Maker) with retrospective effect with all consequential benefits including that of the restoration of seniority.

7. A reply has been filed in this OA. In the reply the respondents denied that the applicant was discharging the duties of Sr.Chargeman(Boiler Maker) from 1986 onwards. They submit that the applicant was promoted only w.e.f., 2-5-88. The respondents further submit that the Government billets of Technical Supervisory Staff are sanctioned gradewise but not tradewise and those vacancies are filled as per existing rules following the roster system. In the trade of Boiler Maker in ^{the} Dockyard there are 6 Supervisors and 46 Tradesmen and hence the ratio of Supervisors to Tradesmen in the Boiler Trade is approximately 1:8, which is considered fair and it is ^{far} better than the other trades where the ratio is as low as 1:14.

8. As regards the promotion of R-6 to the post of Foreman (Boiler Maker) the respondents submit that R-6 was a senior chargeman (Insulation) in Naval Dockyard, Mumbai when he was transferred to Visakhapatnam. As there was no post of Sr.Chargeman (Insulation) in Visakhapatnam Dockyard R-6 was posted as Sr.Chargeman (Legger). He was promoted as Foreman (Boiler Maker) taking into consideration his

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seniority of more than 5 years as Sr.Chargeman (Insulation) in Naval Dockyard, Mumbai as he fulfilled the requisite eligibility conditions for promotion as per SRO.291/83 amended vide SRO.279/85 (Annexure R-1 to the reply) and trade structure chart (Annexure R-2 to the reply). The respondents also submit that R-6 was working as Sr.Chargeman (Insulation) w.e.f., 28-4-77 and Foreman (Boiler Maker) w.e.f., 29-4-89 whereas the applicant was HSK-I (Boiler Maker) w.e.f., 2-1-85 and qualified for the departmental qualifying examination for Sr.Chargeman in April, 1986 and he was posted only from 2-5-88. Hence, the applicant being junior to R-6 cannot have any grouse in the promotion of R-6 as Foreman (Boiler Maker).

9. A rejoinder has been filed and also a written argument^y have been submitted by the learned counsel for the applicant. The contentions^s of these documents are more or less same as ⁱⁿ the affidavit.

10. The applicant alleges that he was doing the duty of Sr.Chargeman (Boiler Maker) right from 1986 onwards. Hence he should have been given promoted^{ion} as Sr.Chargeman (Boiler Maker) from 1986 onwards in which case he would have been eligible for promotion to the post of Foreman (Boiler Maker) in the year 1989. As the respondents failed to promote him as Sr.Chargeman (Boiler Maker) w.e.f., 1986 the applicant lost his promotion to the post of Foreman (Boiler Maker) for no fault of his. Hence, he should be shown as having been promoted as Sr.Chargeman (Boiler Maker) from 1986 and he should be promoted as Foreman (Boiler Maker) in accordance with the Trade Structure Chart as Foreman (Boiler Maker) instead of promoting R-6.

11. There appears to be some case for granting relief to the applicant. But the applicant has not stated

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To condone the
delay of 24 days
in representation
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD.

M.A.No.

of 1997

in

Q.A.S.R.No.3265 of 1997



DELAY IN REPRESENTATION PETITION

Recd
H N R
24-11-1997

Filed on: 24-11-1997.

Address of Advocate:

Mr. SAMMENI KISHORE
3-6-369/A/12, Road No.1,
Himayatnagar, Hyderabad-29.

Notified
12/97