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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.173/99.

Dt. of Decision : 28-04-99-

1. T.N.M.V.Prasad
2. K.Ravinder
3. R.Rajashekhar

.. Applicants.

VS

1. The Ordnance Factory Board,
rep. by its Chairman,
10-A, Auckland Road, Calcutta.

2. The General Manager,
Ordnance Factory Project,
Min. of Defence, Govt.of India,
Eddumailaram, Nedak Dist.

.. Respondents.

Counsel for the applicants : Mr.P.Kishore Rao

Counsel for the respondents : Mr.V.Rajeswara Rao, 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'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.Phaneraj for Mr.P.Kishore Rao, learned counsel for the applicants and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. There/are 3 applicants in this OA. They are now working as Chargeman Gr-II (Chemical) (Technical) Under R-2. The applicants relying on the letter No.75/Staff/95/ANG dated 1-10-96 submit that ~~out of~~ 127 extra posts were sanctioned to cater to the needs and functional requirements. Of which 4 posts out of 127 ^{were} allotted to Chemical discipline as Chargeman Gr-I and for that relies on the annexure to the letter dated 1-10-96. The applicants submit that only one post is given for Chargeman Gr-I Chemical wing of the Ordnance Factory and three more posts are yet to be given. If that is so the applicants are also to be promoted as Chargeman Gr-I in the chemical discipline.

3. This OA is filed praying for a declaration that the action of the respondents in deviating from the cadre ~~size~~ strength determined by the R-1 in so far as promotions to the Chargeman Gr-I (Technical) is concerned and not filling up the 4 posts earmarked to Mechanical discipline in Chargeman Gr-I (Technical) is arbitrary, illegal, discriminatory and unconstitutional and consequently direct the respondents to promote the applicants to the post of Chargeman Gr-I (Technical) chemical in the vacancies earmarked to Chemical discipline as per the ZBB ratio with all consequential and other attendant benefits.

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4. An interim order was passed in this OA on 4-2-99.

As per the interim direction "if there are posts vacant to the extent of 3 to be kept vacant. If not available it should be mentioned in all the promotion orders that the promotion to be issued that it is subject to the outcome of this OA".

5. A reply affidavit and additional affidavit have been filed in this OA. The main contention of the respondents in this OA is that the posts are allotted on the basis of the strength in each cadre and the stagnation in the cadre. In the case of Chemical discipline the employees with 10 years of service are getting promotion whereas in other wings it is more than 15 years. Hence, the respondents have thought it fit to allot only one post in the Chemical wing in the Ordnance Factory at Edumailaram. Hence, the applicants cannot ask for extra posts when the applicants in that cadre ^{are} ~~is~~ happily placed in regard to their promotion. It is also stated that the total percentage of Chargeman Gr-II in the Chemical wing is hardly less than 3% compared to the total post of Chargeman Gr-II. Hence, the applicants cannot aspire to get any more post of Chargeman Gr-I.

6. The main point for consideration in this OA is whether in the letter dated 1-10-96, 4 posts of Chargeman Gr-I (Technical) (Chemical) has been allotted to Edumailaram Factory. A reading of the letter dated 1-10-96 clearly states that it is a suggestion given by R-2 to earmark 4 posts of Chargeman Gr-I. The applicants relying on this cannot ask for 4 posts if it is not approved and sanctioned by the competent authority. Hence, letter dated 1-10-96 in ~~no~~ no way helps

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the applicants to get the relief. The applicants relied on the above letter of R-2 wherein only the requirement discipline-wise was indicated by the R-2 to the Ordnance Factory Board. This is only a suggestion and not a sanction. We asked the applicants to produce the sanction letter whereby 4 posts of Chargeman Gr-I (T)(C) was allotted to R-2 Factory. The applicants could not produce any such documents. When the respondents submit that only one post is sanctioned on the basis of the cadre strength and stagnation it cannot be said that the applicants were deprived of the opportunities for promotion to Chargeman Gr-I.

7. In view of what is stated above, we find no merits in this OA. Hence, the OA is dismissed. No costs.

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

28/4/99

Meher
(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 28th April, 1999.
(Dictated in the Open Court)

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1ST AND 2ND COURT

COPY TO:-

1. HONJ
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD :
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B.S. JAI PARAMESWAR :
MEMBER (J)

ORDER: 28-4-95

ORDER / JUDGEMENT

MA./RA./CP No.

in

OA. No. 173/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS.

SRR

