

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR
BENCH, JABALPUR

Original Application No. 211 of 2006

Jabalpur, this the 25th day of April, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mrs. Meera Chhibber, Judicial Member

1. Suresh Chandra Kewat, S/o. late Biharilal Kewat,
Date of birth 1.4.1960, R/o. Qr. No. 328/1,
MES Colony, Near CTO, Bairagarh,
Bhopal (MP).
2. Sahajoo Yadav, S/o. Shri Jagardav Yadav,
Date of birth 15.1.1952,
R/o. Sharda Nagar, Nariyal Kheda,
Bhopal.
3. Saeed Khan, S/o. Shri Hafeez Khan,
Date of birth 1.7.1957, R/o. Qr. No. B-235,
Housing Board, Mulla Colony, Karond,
Bhopal.
4. Chottelal, S/o. Shri Bonderalal,
Date of birth 27.3.1956,
R/o. Lalghati, Near Barela Village,
Near VIP Bungalow, Bhopal.

Applicants

(By Advocate – Shri V. Tripathi)

V e r s u s

1. Union of India, Through its Secretary,
Ministry of Defence, New Delhi.
2. Chief Engineer, Engineer's Branch,
HQ, Central Command, Lucknow.
3. Chief Engineer, Military Engineering Services,
Bhopal Zone, Bhopal.
4. Commander Works Engineer (CWE),
MES, Sultania Infantry Line,
Bhopal.

Respondents



O R D E R (Oral)

By Mrs. Meera Chhibber, Judicial Member -

By this OA as many as four applicants have sought the following reliefs:

“(i) Summon the entire relevant record from the respondents for its kind perusal,

(ii) Upon holding that the inaction of the respondents in not implementing the order dated 26.3.2002 Annexure A-2 in favour of the applicant is bad in law, command the respondents to implement the order dated 26.3.2002 in favour of the applicants within a stipulated time as deemed fit by this Hon'ble Tribunal with all consequential benefits including seniority on the post of MT Driver Grade-I, the pay scale attached to the promotional post, arrears arising thereto and all other attendant benefits as if the applicants are holding the post of Mt Driver Grade-I from the date the other similarly situated persons have been promoted,

(iii) Any other order/direction may also be passed,

(iv) Award cost of the litigation to the applicant.”

2. It is stated by the applicants that the panel was issued on 26th March, 2002 for time scale promotion to MT Driver Grade-I from MT Driver Grade-II and all the applicants names figured in the said panel at serial Nos. 10, 16, 19 and at 77. Thereafter the respondents have issued promotion orders with regard to Shri Ramesh Prasad Soni who is at serial No. 12 i.e. below applicant No. 2 and Shri A.K. Sharma who is at serial No. 40 in the said panel i.e. below other applicants, but till date no promotion order has been issued in ^{respect} ~~view~~ of applicants.

3. It is stated by the applicants that after seeing the order dated 8th December, 2003 at page 16 they had given a representation to the authorities through proper channel on 3rd July, 2003 (at page 18)



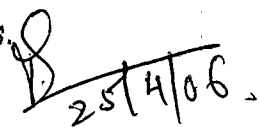
requesting the respondents to promote the applicants, which was followed by another representation in July, 2005. But till date neither any reply has been given, nor they have been promoted. They had, therefore, no other option but to file the present OA.

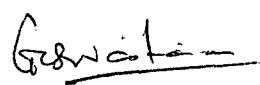
4. We have heard counsel for the applicants.

5. In the panel annexed with the OA on page 11 it is seen that the names of the applicants duly figured at the serial numbers as mentioned above and the person at serial No. 12 has been promoted as MT Driver Grade-I is also evident from Part II order dated 8th December, 2003 which is annexed at page 16. He was admittedly below applicant No. 2 in the said panel. Therefore, there seems to be a valid grievance of atleast applicant No. 2 as to why he has not been promoted though person below has been promoted. However it is noticed that representations, which have been filed by the applicants, are not acknowledged, so we are not aware whether these representations were infact given by the applicants to the authorities or not. These are the matters, which would require to be examined by the Department at the first instance.

6. Therefore, this OA is being disposed of at the admission stage itself, without going into the merits of the case by directing respondent No. 4 to treat this OA itself as a representation alongwith the representations which are annexed with this OA and to pass a reasoned and detailed order thereon, within a period of three months from the date of receipt of copy of this order under intimation to the applicant.

7. With the above directions this OA stands disposed of. No orders as to costs.


(Mrs. Meera Chhibber)
Judicial Member
"SA"


(Dr. G.C. Srivastava)
Vice Chairman

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिलिपि अर्जोहित:-

- (1) सचिव, उच्च न्यायालय एवं एम्प्लॉयमेंट, जबलपुर
 - (2) आदेशक ओ/सीपी/मु.....के काउंसल
 - (3) प्रवर्ती सी/सीपी/मु.....के काउंसल
 - (4) न्यायालय, जे.आ. जबलपुर न्यायालय
- सूचना एवं आवश्यक कार्यवाही

v. Tripathi Adv 231
Res No 4
(with copy of P)

जबलपुर न्यायालय

7082
27-11-06