

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Review Application No 30 of 2005
(In OA No. 863 of 2004)

Jabalpur, this the 29th day of September, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

H.N.S. Rajput,
Son of Shri Lal Singh, Rajput,
Aged about 55 years
Stenographer,
Vehicle Factory, Jabalpur.

Applicant

(By Advocate – Applicant in person)

VERSUS

1. C.M. Thomas
Son of late C.C. Mathai,
Aged about 52 years,
R/o 3001 Type-III
Sector-I, Vehicle Factory Estate
Jabalpur-09.

2. Chairman,
Ordnance Factories Board,
10-A, S. K. Bose Marg
Kolkata.

3. The General Manager
Vehicle Factory,
Jabalpur.

4. Union of India,
Through its Secretary,
Ministry of Defence
New Delhi.

Respondents

(By Advocate – Shri V. Tripathi for private respondent No1
None for official respondents)



ORDER (Oral)

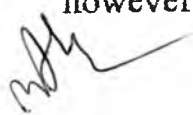
By M.P.Singh, Vice Chairman -

Heard the applicant in person and learned counsel for the private respondent No.1. Vide order dated 21st June, 2005 in OA No.863/2004 the Tribunal has passed the following order :-

“11.....The respondents are directed to grant seniority to the applicant above private-respondent in the seniority list of Stenographer dated 10.8.2004 and thereafter consider him for the post of P.A. Gr.II treating him as senior to private-respondent No.4, and if he is found suitable grant him promotion to the next higher grade of P.A. Gr.II, within a period of three months from the date of receipt of a copy of this order.”

3. The private respondent No.4 in the aforesaid OA has filed this review application No.30/05 with a prayer to review the aforesaid order dated 21st June, 2005.

4. The applicant in the present RA has submitted that the applicant in the aforesaid OA was holding the post of Data Entry Operator and he was holding the post of UDC. Both the posts were in the same pay scale of Rs.4000-6000/-. He has also submitted that he has been holding the post of UDC in the pay scale of Rs. 4000-6000/- from an earlier date as compared to the applicant in the OA. He has further stated that the post of Stenographer was also in the pay scale of Rs. 4000-6000/-. A selection has been made for appointment to the post of Stenographer by way of holding the trade test. He has also submitted that the applicant and the private respondent No.4 in the aforesaid OA had qualified the trade test. However, he has been holding the post of UDC for a longer period in the pay scale of Rs.4000-6000 as compared to the applicant in the OA. He was rightly given the seniority over the applicant by the respondents. The aforesaid test was a suitability test and not a competitive test. He has also submitted that as per recruitment rules the post of Stenographer is a selection post, however it had been filled up by the applicant and private respondent



5. It is an admitted fact that the pay scale of the post of the Stenographer is 4000-6000/- and the applicant and private respondents were also holding the analogous post in same scale in different department but in the same organization, therefore it cannot be said that the post of Stenographer can be filled up by way of promotion. It is also admitted position that both the applicant and respondent No.4 in the OA were working in different department and the selection has been made by way of holding the trade test. In the recruitment rules in column 5 the post of stenographer is mentioned as a selection post. Since, the selection is being made and the test has been held for assessing merit of the candidates, the seniority cannot be fixed on the basis of the seniority in the lower grade, since there is no lower post in this grade. Although both the applicant and respondent No.4 in the OA were working in different department, in the same organization, the applicant in the aforesaid OA got more marks as compared to private respondent in the trade test conducted for appointment to the post of Stenographer. Therefore, he is required to ^{be} placed above the private respondent in the seniority list. In view of this, we do not find any merit in this Review Application. Accordingly, the same is dismissed.

M.P. Singh
M.P. Singh)
Vice Chairman

पृष्ठांकन सं ओ/क्या..... जवलापुर, दि.....
 प्रतिनिधि

- (1) सचिव, राज्य सरकार
(2) आर्य समाज

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उप रजिस्ट्रार

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