

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 1175 of 2004

Jabalpur, this the 26th day of September, 2005

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

R. Krishnamurty, S/o. Shri R. Seshiah,
Aged 58 years, Deputy Chief Engineer
(Electrical), Security Paper Mills, Government of
India, Ministry of Finance, Hoshangabad (MP)-
461 005, R/o. House No. V/2, S.P.M. Colony,
Hoshangabad (MP) – 461 005.

..... Applicant

(By Advocate – Smt S. Menon)

V e r s u s

1. Union of India, through : Secretary,
Ministry of Finance, Government of India,
North Block, Central Secretariat, New Delhi.
2. Joint Secretary (C&C),
Ministry of Finance, Government of India,
North Block, Central Secretariat,
New Delhi – 110 001.
3. Secretary, Ministry of Personnel, Public
Grievances and Pension, Department of Personnel
and Training, Govt. of India, Central Secretariat,
North Block, New Delhi.
4. Chairman, Union Public Service Commission
(UPSC), Dholpur House, Shahjahan Road,
New Delhi – 110 069.
5. General Manager, Security Paper Mills,
Hoshangabad – 461 005 (MP).
6. I.L. Joshi, Deputy Chief Engineer (Boiler),
Security Paper Mills, Government of India,
Ministry of Finance, Hoshangabad (MP)-
461 005.

7. V.T. Gopakumar, Chief Engineer (Boiler),
Security Paper Mills, Govt. of India,
Ministry of Finance, Hoshangabad (MP).
8. A.K. Ray, Deputy Chief Engineer (Boiler),
Security Paper Mills, Govt. of India,
Ministry of Finance, Hoshangabad (MP). Respondents

(By Advocate – Shri B.da.Silva for respondents Nos. 1 to 5, Shri Manoj Sharma for respondent No. 6, Shri S.K. Nagpal for respondent No. 7 and none for respondent No. 8)

ORDER (Oral)

By M.P. Singh, Vice Chairman –

By filing this Original Application the applicant has claimed the following main reliefs :

“I to direct respondents to consider the regular appointment of applicant as Deputy Chief Engineer (Electrical) to relate back to the date of adhoc appointment i.e. with effect from 1.6.1993 in accordance with law and reckon his seniority as Deputy Chief Engineer accordingly,

II to direct respondents to publish final combined gradation list of Deputy Chief Engineers,

III direct respondents to conduct the DPC for the post of Chief Engineer and consider the applicant on the said post from a retrospective date i.e. when the vacancy arose granting all consequential and ancillary service benefits.”

2. The brief facts of the case are that the applicant is working as Deputy Chief Engineer and is due for promotion to the post of Chief Engineer. A post of Chief Engineer has fallen vacant. The recruitment rules for the post of Chief Engineer were already in existence. The post of Chief Engineer has neither been re-designated nor upgraded, consequent to the recommendation of the National Productivity Council. The earlier recruitment rules of the post of Chief Engineer were superseded and the new rules were framed on 31st May, 1997. Under the new rules the post of Deputy Chief Engineer (Boiler) was also included in the feeder cadre for promotion to the post of Chief Engineer for the first time. The persons

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who were holding the post of Deputy Chief Engineer from Electrical and other department feeling aggrieved submitted representations for not including the post of Deputy Chief Engineer (Boiler) in the feeder cadre for promotion to the post of Chief Engineer. They have approached the Tribunal also. The Tribunal had disposed of their OA and finally the matter went to the Hon'ble High Court and the Hon'ble High Court has also disposed of the matter with direction to the respondents to prepare the combined seniority list for promotion to the post of Chief Engineer. The learned counsel for the respondents submitted that steps have been taken and a draft combined seniority list has already been prepared for promotion to the Chief Engineer. Objections from the concerned person were also invited and the same has been sent to the competent authority for taking a final decision in the matter. The competent authority has not yet taken any decision in the matter. He has also submitted that the respondents are also in the process of convening the DPC for the post of Chief Engineer. However, the DPC is to be convened by the UPSC and before convening the DPC the seniority position in the feeder cadre is also to be finalized as per the seniority rules. Since the respondents have already taken steps to decide the matter of seniority, the applicant who has raised his grievance to ante-date his seniority in the particular grade of Deputy Chief Engineer, can raise this grievance before the respondents who will finalize the seniority list, after taking into account the objections raised by him and other persons.

4. In view of the facts mentioned above, we direct the official respondents that before they take a decision to finalize the combined seniority list they should take into consideration the objections raised by the persons holding the post of Deputy Chief Engineer in the feeder grade of Chief Engineer. We further direct that they should also take steps to convene the DPC as expeditiously as possible. The aforesaid directions should be complied by the official respondents within a period of six months from the date of receipt of a copy of this order.

