

Central Administrative Tribunal
Jabalpur Bench

OA No.654/04

~~Indore~~, this the 18th day of ~~October~~, 2005.

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman

Hon'ble Mr.Madan Mohan, Judicial Member

Nicodin Toppo
S/o Late Shri Helarious Toppo
Working as Tin Smith Grade-II
54 Coy, A.S.C.(Supply)
Type 'C', Cantt. Jabalpur.

Applicant

(By advocate None)

Versus

1. Union of India through
Secretary
Ministry of Defence
New Delhi
2. The D.D.S.T.Area Headquarters
M.P.Bihar & Orissa Area
Jabalpur.
3. The Commanding Officer
54, Coy, A.S.C. (Supply)
Type-C, Cantt., Jabalpur.
4. The A.R.O.
A.S.C.Records (Supply)
Bangalore
5. Ashique
Working as Tin Smith Gr.I
Army Supply Depot
Kanpur.

Respondents.

(By Advocate Shri S.P.Singh)

ORDER

By Madan Mohan, Judicial Member



By filing this OA, the applicant has sought the following reliefs:

- (i) Quash the order dated 8.5.2004 (Annexure A1).
- (ii) Direct the respondents to conduct a review DPC and consider the case of applicant regarding his promotion/financial up gradation to the post of Tin Smith Gr.I with effect from a suitable cut off date.
- (iii) Direct official respondents to assign proper placement to the applicant to the post of Tin Smith Gr.I in the seniority list.

2. The brief facts of the case are that the applicant was initially inducted into the services of respondents 1 to 3 in the capacity of Mazdoor on 19.5.1970. He successfully completed the course of ITI in ~~Tin~~ Smith trade. He fulfils the eligibility criteria regarding promotion/financial up gradation to the post of ~~Tin~~ Smith Gr.I. The batch mate of the applicant -respondent No.5- was granted promotion/financial up gradation to the post of Tin Smith Gr.I long back. The applicant was sent for trade test at Bangalore along with other similarly situated persons in the year 1985. Having passed the test, he was given first promotion /financial up gradation to the post of ~~Tin~~ Smith Gr.II on 15.10.1985. Subsequently the applicant was again sent for trade test at Bangalore along with respondent No.5 in 1986. Having passed the trade test, he gained eligibility for his promotion/financial up gradation to the post of Tin Smith Gr.I in the year 1986 itself. Private respondent No.5 was promptly given the financial up gradation to the post of Tin Smith Gr.I in the year 1986 but the applicant was denied the same. The respondents have turned down the representation of applicant vide Annexure A1 impugned order. Hence the applicant has filed this OA.

3. None appears for applicant. Hence the provisions of Rule 15 of CAT (Procedure) Rules, 1987 are invoked.

4. Heard learned counsel for respondents who argued that the applicant was initially appointed as a local Mazdoor on contract basis for a period of six months in connection with construction work at



Port Blair. The applicant was struck off strength on permanent transfer from GE (E/M)(P) Port Blair to GE 864 Engineering Works Section C/O 99 APO on 31st January 1979 and from there he was further posted to the present unit on 16th January 1979. The case of the applicant for grant of financial up gradation was referred to ASC Records (South) Bangalore through the Board of Officers vide letter dated 27.3.2002 but he was not considered for up gradation under ACP Scheme. Again on 21st March 2003, the case of the applicant was referred to ASC Records office (South) Bangalore and it was turned down by the Records Office on the ground that the applicant was already in receipt of two up gradations in his service and hence he was not eligible for further financial up gradation/promotion. The same was intimated to the applicant by letter dated 8th May 2004. As for the promotion/up gradation of respondent No.5, the Unit had no comments to offer, as promotion/up gradation is issued/approved by Records Office only.

5. After hearing the learned counsel for the respondents and perusing the records, we find that the arguments advanced on behalf of the respondents that the applicant has already been given two financial up gradations in his service career is correct. The same was intimated to the applicant by letter dated 8th May, 2004. The applicant does not controvert this fact by filing any rejoinder. The respondents have filed the letter dated 6th September, 2005 in which it is mentioned that the applicant is claiming for financial up gradation from Grade-II to Grade-I in the present OA and the same has already been considered with effect from 9th August, 1999 vide ASC Records (South), Bangalore letter dated 20th August, 2005. The pay scale of S-7 i.e. Rs. 4000-6000/- comes under Grade-II Tin Smith. The applicant is now considered for pay scale of S-9 i.e. Rs. 5000-8000/- which comes under Grade-I Tin Smith. The photo copy of the result of Corps DPC for civilian personnel held on June 2005 was placed before us and we find from it that the name of the applicant is shown at serial No. 15 and in its columns numbers 6 and 7 in respect of the applicant



it is mentioned that the applicant has been granted second upgradation from S-7 to S-9 on 9.8.1999. Hence, from the aforesaid documents filed by the respondents it is evident that the applicant has been given due financial upgradation and he is placed in the pay scale of Grade-I Tin Smith i.e. Rs. 5000-8000/- with effect from 9.8.1999.

6. Considering all the facts and circumstances of the case, we are of the view that this Original Application deserves to be dismissed. Accordingly, the same is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

"SA"

पृष्ठान्त सं ओ/व्या..... जयलपुर, दि.....
पतिरिपि वाजे विजय-
(1) सतिव, डाक जयलपुर के काउंसल
(2) आवेदक ओ/व्या..... के काउंसल
(3) प्रत्यक्षी ओ/व्या..... के काउंसल
(4) गंधपाल, से पठा, जयलपुर
सूचना एवं आवश्यक कार्यवाही

Proshant Singh
L.P. Singh

14.11.05