

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 801 of 2004

Indore This 18th the day of October, 2005.

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

I.L. Joshi, Dy Chief Engineer (Boiler),
Govt. of India, Ministry of Finance,
Security Paper Mill, Hoshangabad (M.P.) Applicant

(By Advocate – Shri Manoj Sharma)

V E R S U S

1. The Secretary, Ministry of Finance,
Govt. of India, North Block, Central Secretariat,
New Delhi.
2. Joint Secretary (C&C), Ministry of Finance, Govt. of India,
Department of Economic Affairs, North Block,
Central Secretariat, New Delhi. 110001.
3. The General manager, Security Paper Mill,
Hoshangabad (M.P.) 461 005.
4. R. Krishnamurthy, Dy. Chief Engineer,
Security Paper Mill, Hoshangabad (M.P.) Respondents

(By Advocate – Shri B.da.Silva for respondents No.1 to 3
Smt. S. Menon for respondent No.4)

O R D E R

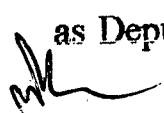
By M.P. Singh, Vice Chairman –

By filing this Original Application, the applicant has sought
the following main relief :-

“ii) Quash and set aside the impugned orders dated
3.11.2003 and 8.9.2004, Annexure-A/1 and A/2
respectively.

iii) Direct the respondents to give the officiating charge
for the post of Chief Engineer to the applicant.”

2. The brief facts of the case are that the applicant is working
as Deputy Chief Engineer (Boiler) in the Security Paper Mill (for



short 'SPM'), Hoshangabad and is alleged to be the senior most Dy.Chief Engineer. The Dy.Chief Engineers are eligible for promotion to the post of Chief Engineer. His grievance is that a post of Chief Engineer is lying vacant and he being the senior most has not been asked to carry out the duties pertaining to Chief Engineer and instead one Shri R.Krishnamurthy, who is junior to him has been asked to perform the duties of the said post. The applicant had earlier filed an OA 597/2004 praying for a direction to the respondents to give him the officiating charge of the post of Chief Engineer as per his seniority and the Tribunal vide its order dated 27.7.2004 had directed the General Manager, SPM, Hoshnagabad to consider and decide the representation of the applicant. In compliance to that order, the respondents have considered and disposed of the representation of the applicant vide impugned order dated 8.9.2004 (Annexure-A-2) rejecting the request of the applicant. Hence, this Original Application.

3. Heard the learned counsel of both the parties and perused the pleadings available on record.

4. The learned counsel for the applicant has submitted that the seniority list of the Dy. Chief Engineer has been finalized and it may be seen from the list (Annexure-A-6) that the applicant is the senior-most. Normally, the senior-most person is given the officiating charge of the Chief Engineer.

5. On the other hand the learned counsel for the respondents has submitted that this is only a draft seniority list. A combined seniority list of the Dy.Chief Engineers has not yet been finalized. The objections invited from the Dy.Chief Engineers against the draft seniority list have been sent to the competent authority to take a decision in the matter and the matter is under active consideration. The respondents have also taken steps to convene a meeting of the Departmental Promotional Committee. Moreover, the private-respondent no.4, who has been given the current charge of Chief Engineer has neither been promoted on adhoc basis nor

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given any financial benefits. He is only asked to carry out the duties of the Chief Engineer in addition to his own duties. As per the impugned order dated 3.11.2003, respondent no.4 will not be responsible for the duties related to Boiler and Maintenance planning. In other words, the respondent no.4 is not supervising the work of the applicant as the work relating to his division, has been excluded from the jurisdiction of respondent no.4. The official-respondents have asked the private-respondent no.4 to look after the work, keeping in view the experience and the nature of duties to be performed. According to him, the fundamental rules stipulate that a Government servant looking after the current charge of a higher post cannot claim for any remuneration. It is for these reasons, he has been asked to look after the duties of Chief Engineer.

6. We have given careful consideration to the arguments advanced on behalf of both the sides.

7. We find that the private-respondent no.4 has neither been appointed on adhoc basis nor has been granted any financial benefits on account of his being authorized to exercise the administrative/financial powers pertaining to Chief Engineer. The applicant has also not been placed to work under private-respondent no.4, as the work which is under the charge of the applicant has been excluded from the purview of respondent no.4. Moreover, the official-respondents have asked the private-respondent no. 4 to look after the work of Chief Engineer, with reference to his experience and keeping in view the nature of work to be performed. A combined seniority list of Dy.Chief Engineers which is required to be finalized for promotion to the post of Chief Engineer has also not yet been finalized. Therefore, it cannot be said that the applicant is the senior-most person in the combined seniority list. Moreover, the Hon'ble Supreme Court in the case of **State of M.P. Vs. Sri S.S.Kourav & ors** JT 1995 (2) SC 498 has held that the courts or Tribunals are not appellate fora to decide the transfers (postings) of officers on administrative grounds. The



wheels of administration should be allowed to run smoothly and the Courts/Tribunals are not expected to indict the working of the administrative system. It is for the administration to take appropriate decisions and such decisions shall stand unless they are vitiated either by mala-fides or by extraneous consideration without any factual background foundation. No such ground has been alleged in the instant OA

8. In view of the aforesaid facts and the legal position, we do not find any ground to interfere with the orders passed by the respondents.

9. In the result, the Original Application is dismissed, however, without any order as to costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

Rkv.

पृष्ठांकन सं. ओ/न्या.....जयलपुर, दि.....

प्रतिनिधि समिति -

(1) सचिव, जयलपुर नगर पंचायत, जयलपुर

(2) अध्यक्ष, जयलपुर नगर पंचायत, जयलपुर

(3) प्रत्यक्षी, जयलपुर नगर पंचायत, जयलपुर

(4) अध्यक्ष, जयलपुर नगर पंचायत, जयलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

उप निरीक्षक

Filed
16/11/09

16/11

Manoj Prasad
B. S. Menon