

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 180 of 2002

Jabalpur, this the 9th day of March, 2004

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

1. H.S. Jassal, S/o. Late K.S. Jassal, Aged about 49 years, Asstt. Foreman, R/o. 1023, Ambedkar Ward, Ranjhi, Jabalpur.
2. S.K. Sharma, S/o. Shri S.L. Sharma, Aged about 56 years, Asstt. Foreman, R/o. MIF 16, Puneet Nagar, Jabalpur.
3. M.M. Choudhary, S/o. Late M. Choudhary, Aged about 52 years, Asstt. Foreman, R/o. C/o. SQAE(L), Jabalpur.
4. R.K. Bhatt, S/o. Shri B.L. Bhatt, Aged about 42 years, Chargeman Gr.I, R/o. 763, Sneha Nagar, Jabalpur.
5. A.K. Choudhury, S/o. Shri Arindra Jeet Choudhary, Aged about 42 years, Chargeman Gr.I, R/o. W-6/4, OQAW Colony, Jabalpur.
6. R.B. Vishwakarma, S/o. Late Tulsi Ram Vishwakarma, Aged about 56 years, Asstt. Foreman, R/o. 3723, Adhartal, Jabalpur.
7. N.K. Choubey, S/o. Shri SL Choubey, Aged about 44 years, Chargeman Gr.I, R/o. 29D 9/1 Tulsi Nagar, Jabalpur.
8. A.R. Mendule, S/o. Shri Ramesh Mendule, Aged about 37 years, Chargeman Gr. II, R/o. 1881/5, Vidya Nagar, GCF, Jabalpur.
9. Jainendra Singh, S/o. Late Udai Singh, Aged about 37 years, Chargeman Gr.II, R/o. W-718, OQAW Colony, Jabalpur.
10. Suresh Chandra, S/o. Shri Prakash Chandra, Aged about 35 years, Chargeman Gr.II, R/o. 525/3, New Colony GCF, Jabalpur.
11. N.K. Vishwakarma, S/o. Late Shri Biharilal, Aged about 57 years, Chargeman Gr.II, R/o. 894, Ravindra Nath Tagore Ward, Jabalpur.
12. A.K. Tiwari, S/o. Shri R.S. Tiwari, Aged about 37 years, Chargeman Gr.II, R/o. W-717, OQAW Colony, Jabalpur.

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, Through its Secretary, Ministry of Defence, Deptt. of Defence Production & Supplies, New Delhi.
2. The Director General of Quality Assurance, Deptt. of Production & Supplies (DGQA), Govt. of India, Ministry of Defence, DHQ, P.O. New Delhi, New Delhi - 110011.
3. The Controller, Controllorate of Quality Assurance (Weapon), C/o. GCF Post, Jabalpur.

... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

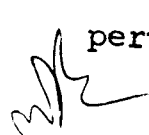
O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicants have sought the following main relief :

"(ii) Declare the Department of Defence Production and Supplies, Director General, Quality Assurance (Group B Technical post) Recruitment Rules, 2000 Annexure A-3 so far it relates to the prescribing the quota of Foreman. The direct recruitment to the extent of 40% be set aside with a further direction to the respondents to fill up the post of Foreman by 100% by promotion as per the earlier Rules."

2. The brief facts of the case are that the applicants have challenged the constitutional validity of the rules called "The Department of Defence Production and Supplies, Director General Quality Assurance (Group B Technical posts) Recruitment Rules, 2000" published in SRO No. 268 of 2000 in so far it relates to the prescription of method of recruitment by promotion to the extent of 60%, and by direct recruitment to the extent of 40% for the post of Foreman, thus curtailing 100% promotional quota to 60% as against the earlier Recruitment Rules published as SRO No. 19 of 1990 pertaining to the said cadre.




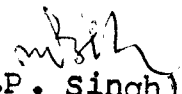
3. Heard the learned counsel for the parties and perused the records.

4. The learned counsel for the respondents states that similar issue relating to the curtailment of 100% promotional quota to 60% as against the earlier Recruitment Rules was under challenge before the Bangalore Bench of this Tribunal in O.A. No. 488/2001. The Bangalore Bench dismissed the Original Application No. 488/2001 vide its order dated 11th December, 2002. The learned counsel for the respondents further submitted that the present Original Application is fully covered by the judgment of the Bangalore Bench of the Tribunal in the aforesaid OA.

5. On the other hand the learned counsel for the applicants submitted that the present case is not fully covered by the judgment of the Bangalore Bench and is distinguishable.

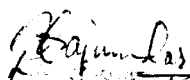
6. We have given careful consideration to the rival contentions made on behalf of the parties. We find that the present case is covered in all fours by the judgment of the Bangalore Bench dated 11th December, 2002 in OA No. 488/2001. Accordingly, we find that the Original Application is without any merit and the same is dismissed. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

"SA"

Issued  
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15.8.04

S. Paul  
SA Dharmachari  
  
17/3/04