

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 253 of 2002

Bilaspur, this the 9th day of Sept. 2004

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

Maheesh Prasad & Ors.

APPLICANTS

(By Advocate - Shri Munish Saini)

VERSUS

Union of India & ors.

RESPONDENTS

(By Advocate - Shri P.Shankaran)

ORDER

By Madan Mohan, Judicial Member -

By filing this OA, the applicants have sought the following main relief :-

"i. Order dt. 9.1.2002(ANN-A/4) passed by the respondents be quashed and further the respondents 1 & 2 be directed to fill-up the vacancy of Chargeman Gr-I strictly as per the seniority;

2. The brief facts of the case are as follows:

The applicants are working on the post of Chargeman Gr.II and they are senior to respondent No.3. The department issued a seniority list as on 26.10.98. One Ramesh Singh, chargeman Gr.I has been promoted as Assistant Foreman vide order dated 29.11.2001. Therefore the vacancy on the post of chargeman Gr.I occurred. Respondent No.3 who is junior to the applicants has been promoted against the vacancy occurred due to the promotion of Ramesh Singh vide order dated 8.1.2002. The applicants submitted a representation on 21.1.02. The respondents informed the petitioners vide letter dated 23.1.02 that the ban on promotion has been lifted by the Ordnance Factory Board from the post of Chargeman Gr.II to Chargeman Gr.I for those whose date of seniority is after 10.5.93. The applicants are senior to respondent No.3 and the ban has been lifted without any reservation but in the

reply to the representation submitted by the applicants, respondent No.2 wrongly said that the ban has been lifted for those whose date of seniority is after 10.5.93. Even assuming but not admitting that the ban is lifted only for those whose date of seniority is after 10.5.93 but the petitioners 13 & 14 are chargemen Gr.II after the seniority dated 10.5.93, the reply of the respondent No.2 is incorrect and false. Inspite of the representations submitted by the applicants, no heed has been paid to their grievance. Therefore this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that apparently respondent No.3 is senior to the applicants as is shown by the seniority list filed by the applicants but the respondents have ignored the seniority of the applicants and have promoted respondent No.3 against the provisions of law. Applicants made several representations in this regard but these were not considered by the respondents. It is gross injustice committed by the respondents to the applicants.

4. In reply, learned counsel for respondents argued that respondent No.3 belonged to Electronics stream and applicants are from Mechanical stream. Promotions are also effected from the seniority rolls maintained on discipline wise depending on vacancies available on respective stream. The contention of the applicants that promotions are based on common seniority is not correct and the applicants cannot compare their seniority with respondent No.3 as they are borne on different cadres even though grade is the same.

5. After hearing learned counsel, for both parties and careful perusal of the records, we find that in the seniority list at page 18 enclosed with the OA, Ku.Sandhya Choudhary has qualification of Diploma in Electronics while the applicants have stated that they are from Mechanical side.

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Hence the arguments advanced on behalf of the respondents that the applicants are from Mechanical stream and promotions are effected from the seniority rolls maintained on discipline wise depending on vacancies available on respective stream are tenable. Respondent No. 3 Ku. Sandhya Choudhary is from electrical stream having diploma in electronics. In view of the arguments advanced on behalf of the respondents, the applicants' contention seems to be not legally justified. Hence the OA deserves to be dismissed. Accordingly the OA is dismissed. ~~No Costs~~

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

aa.

पृष्ठांकन सं. ओ/न्या..... जललपुर, दि.....
प्रतिलिपि अध्ये धित:-

(1) सचिव, उच्च व्यायालय वार एसोसिएशन, जललपुर
(2) आकेदक श्री/श्रीमती/कु..... के काउंसल *Munish Solani*
(3) प्रस्तरी श्री/श्रीमती/कु..... के काउंसल *P. Shukla*
(4) उपसाल, कोपा., जललपुर न्यायालय
मुख्य एवं अधिकारी कार्यालयी हैं।

Issued
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