

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 683 of 2001

Jabalpur, this the 19th day of April, 2004

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

M.Y. Khan, S/o. Late Aminuddin Khan,
Aged about 55 years, R/o. Ahmed Nagar,
Katra, Adhartal, Jabalpur.

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India,
Through : Secretary,
Department of Defence Production,
Ministry of Defence, New Delhi.
2. General Manager,
Ordnance Factory, Khamaria,
Jabalpur.

... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R (Oral)

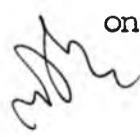
By M.P. Singh, Vice Chairman -

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

"(i) a writ of Mandamus to respondent No. 2 to rectify the seniority list published on 1.4.2001.

(ii) a command to respondent No. 1 and No. 2 to promote the applicant to the post of Chargeman Gr. I and Assistant Foreman and place him alongwith his batch mates in the seniority list."

2. The brief facts of the case as stated by the applicant are that he was appointed as Trade Apprentice in January, 1964. After completion of the training the applicant was graded as Mill-Wright Gr. B vide order dated 1.7.1968 and subsequently he was promoted as Highly Skilled Gr. I with effect from 2.5.1971 and Supervisor Gr. B with effect from 28.3.1972. According to him he has submitted a representation to the respondent No. 2 to grant him entire service benefits on 6th January, 2001. Earlier the services of the applicant



was terminated but the appellate authority vide order dated 28th May, 1993 reinstated the applicant. According to the applicant a DPC was convened by the respondents Nos. 1 and 2 to promote certain employees to the post of Chargeman Grade-I and also to the post of Assistant Foreman. Accordingly, the applicant is also ought to have been promoted to the post of Chargeman Grade-I and Assistant Foreman alongwith his batchmates. Since the applicant has not been promoted by the respondents to the post of Chargeman Grade-I as well as Assistant Foreman, he has filed this Original Application claiming the aforesaid reliefs.

3. The respondents have filed their reply in which they have stated that the applicant has been found suitable by the DPC for appointment as Chargeman Grade-II with effect from 6.9.1995 as per the rules and accordingly he was appointed in this grade and was given seniority from that date. According to the respondents none of his batchmates in the post of Chargeman Grade-II ~~has~~ been promoted as Chargeman Grade-I ^{has} ~~Sh~~ with effect from ~~6.9.1995~~ and further as Assistant Foreman so far. According to them, the applicant did not reform himself and he continued to involve in misconduct. The respondents submitted that there is no victimization or harassment of the applicant as alleged.

4. None is present for the applicant. Since it is a old case this case by invoking of 2001, we proceed to decide the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

5. The learned counsel for the respondents stated that the applicant has been promoted as Chargeman Grade-II with effect from 6.9.1995 by way of transfer and the applicant has not

challenged that promotion order of Chargeman Grade-II. The learned counsel for the respondents also submitted that none in the post of Chargeman Gr. II of his batchmates/have been promoted as Chargeman Grade-I and Assistant Foreman. The applicant has made a fake submission and has not given/specific name of his juniors who have been promoted as Chargeman Grade-I and further as Assistant Foreman. Since the applicant has not specifically mentioned the names of the persons who are junior to him and have been promoted as Chargeman Grade-I and Assistant Foreman, it is not possible to give specific reply with regard to his allegation.

6. We have given careful consideration to the contentions made on behalf of the learned counsel for the respondents and we find that the applicant has not challenged the order of his promotion as Chargeman Grade-II, which was made on 6.9.1995. Moreover, the applicant has not given the name of the persons who are his batchmates and have been promoted to the post of Chargeman Grade-I and Assistant Foreman. The position explained by the respondents that none of his batchmates/juniors have been promoted to the higher post of Chargeman Grade-I and Assistant Foreman, has not been denied by the applicant by filing rejoinder. Thus the fake contention of the applicant that his juniors or batchmates have been promoted in the higher grade cannot be accepted and is rejected.

7. In view of the aforesaid discussion, we find that the OA does not have any merit and deserves to be dismissed, which is accordingly dismissed. No costs.

(Madan Mohan)
Judicial Member

m.p.s
(M.P. Singh)
Vice Chairman