

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.743 of 2002

Indore, this the 22nd day of July, 2004

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

P.S.Sankaranarayanan, S/o Shri P.S.Sankaran,
Aged about 59 years, R/o 3500-C, Sector-II,
Type-III, Vehicle Factory Estate, Jabalpur - APPLICANT

(By Advocate- Shri S.Paul)

Versus

1. Union of India, through its Secretary, Ministry of Defence, New Delhi.
2. The Chairman/D.G.O.F., Ordnance Factories Board, 10-A Shahid Khudi Ram Bose Marg, Kolkata.
3. The General Manager, Vehicle Factory, Jabalpur.
4. The General Manager, Ordnance Factory, Tiruchirapalli-RESPONDENTS
(By Advocate - Shri P.Shankaran)

ORDER

By M.P.Singh, Vice Chairman -

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

- "(ii) Respondents be directed to fix the pay of the applicant as Workmen A from 1.1.1967 with all consequential benefits.
- (iii) Set aside the order dated 6th August, 2002 Annexure A-1.
- (iv) Consequently command the respondents to promote the applicant as Supervisor B from the date Shri Kalyan Sundaram has been promoted i.e. from 1.9.1971 with all consequential benefits including pay fixation, arrears, seniority etc.
- (v) Consequently the applicant is entitled for revision of his pay as Supervisor B from 1.9.1971 arrears and seniority arising thereto."

2. The brief facts of the case are that the applicant is presently working as Assistant Foreman. He was initially appointed in Artisan Training School, Heavy Vehicle Factory, Avadi in the year 1966. Thereafter, the applicant has undergone journeyman ship in Tiruchirapalli Factory for six months and thereafter was appointed as Workmen Grade 'B'. A circular dated 6.7.1978 (Annexure A-2) was issued whereby the subject of promotion

of individual, who were graded (B) in various trades of Industrial employees of their successful completion of journeyman prior to 1976 and who have still been working in that capacity without any promotion, is dealt with. It was decided that the Industrial employees who were posted as Workmen Grade B are now to be promoted as A Grade Workmen after rendering six months of service. This circular was implemented in various factories but was not implemented in favour of the applicant and the employees who have completed their ATS from Avadi. An expert committee was constituted by the respondents to adjudicate upon the grievances of the ex-journeyman who had completed their training from HVF Avadi. The said committee had given their recommendations in favour of the employees like the applicant who have completed their journeyman ship/training from HVF Avadi. Consequent upon the said recommendation, the Ordnance Factory Board has issued an order dated 18.1.1995 (Annexure-A-4) ^{extending the benefit of the} ^{whereby} ^{as per} circular dated 6.7.1978 and 7.9.1992, it was directed to extend the benefit to the employees who have completed their journeyman ship from HVF Avadi. It is also submitted by the applicant that similarly situated employees who have completed their training from HVF and continue to remain posted in the same factory were already benefited by implementing the circular dated 15.1.1995. However, the applicant has been transferred to Tiruchirapalli and then to Ordnance Factory Khamaria, and now presently posted in Vehicle Factory, Jabalpur, but this benefit extended to the employees vide letter dated 18.1.1995 has not been extended to him.

According to the applicant, ^{in terms of} the circulars dated 6.7.1978 and 7.9.1992 read with circular dated 19.10.1992, the applicant is graded as Workman Grade 'A' w.e.f. 1.1.1967, but since the respondents have failed to fully comply with the aforesaid circulars dated 6.7.1978, 7.9.1992 and 19.10.1992 the applicant's junior became Supervisor before him and they enjoyed the higher position. He has stated that one Shri V. Kalyansundaram, whose name find place at serial no. 8, who was junior to the applicant, has been given the benefit and he became Supervisor

on 1.1.1971. Hence the applicant who has now been made

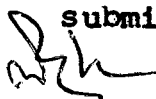
as Workmen Grade A and whose name finds place over Shri KalyanSundaram in order dated 15.10.1996 is entitled to became Supervisor on or before 1.9.1971 and also the pay fixation on notional basis as Supervisor from 1.9.1971. Consequently, the applicant is further entitled for notional promotion on the next promotional post of Chargeman Gr.II, Grade I etc. As the respondents have not granted him the benefits, he had filed OA No.340/2002, which was disposed of by this Tribunal with a direction to the respondents to decide the applicant's representation. The respondent no.2 has now passed the impugned order dated 6.8.2002 rejecting the applicant's representation.Hence he has filed this OA.

3. The respondents in their reply have stated that the applicant was graded as 'A' grade Workman from 1.1.1967 along with other ex-journeymen B grade by Ordnance Factory Tiruchirapalli. Applicant had been earlier considered by the DPC held on 25.8.1971 when he was working as 'B' Grade Workman in OF,Tiruchirapalli along with others including his junior Shri Kalyanasundaram but he could not be promoted to Supervisor'B'(T) as he was found unfit by that DPC. Therefore, there is no need for further review DPC(after granting him 'A' Grade with notional seniority)for further promotion,without any change in his performance/record for that period, as the result will be the same that he is not found fit. Therefore,there is no merit in the case of the applicant that he should be promoted to Supervisor' B' from 1.9.1971 when his junior Shri Kalyansundaram was promoted.

4. Heard the learned counsel of both the parties.

5. The learned counsel for the applicant has stated that the directions given in the circulars dated 6.7.1978,7.9.1992 and 19.10.1992 should have been fully implemented and the applicant should have been considered, as his juniors have already been considered and promoted.

6. The learned counsel for the respondents has submitted that there is no point in holding a review DPC as



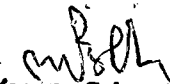
the applicant was considered in 1971 along with his junior Shri Kalyansundaram but he was not found fit. According to him, even after holding a review DPC, the record for the same period is required to be considered and it is not going to make any change in the gradation of the applicant given to him by the DPC. Therefore, no DPC is required to be held.

7. We have given careful consideration to the rival contentions of both the learned counsel.

8. We find that under the instructions issued by the respondents on 6.7.1978, 7.9.1992 and 19.10.1992, the benefit is required to be given to the applicant. The respondents have stated that the applicant was graded as 'A' grade Workman from 1.1.1967 along with other ex-journeyman B Grade. The applicant has claimed that he has not been given the full benefits, however, this has been denied by the respondents on the ground that he has been considered in 1971, and he was not found fit for promotion and superseded by his junior Shri Kalyansundaram. We find substance in the contention of the learned counsel for the respondents that the record is required to be considered for the same relevant period and since the applicant has been considered and record for the relevant period has already been taken into consideration, and he has been superseded by his junior Shri Kalyansundaram, even if a review DPC is directed to be held, it is not going to make any material change and the applicant is not likely to get any benefit. Moreover, a long period has already elapsed. In this view of the matter, we do not find any force in the contention of the applicant.

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


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman