

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 895 of 2000

Jabalpur, this the 13th day of February, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

R.R. Kosta, S/o Late N.L. Kosta,
Aged 53 years, R/o 214, Shanti
Nagar, Gali No.9, Damoh Naka,
Jabalpur.

APPLICANT

(By Advocate - Shri Yogesh Mishra on behalf of
Shri A.P. Singh)

VERSUS

1. Union of India
Through Secretary Defence,
South Block,
New Delhi.

2. Ordnance Factory Board,
10, Okhla Road,
Calcutta.

3. General Manager,
Vehicle Factory,
Jabalpur.

RESPONDENTS

(By Advocate - Shri P. Shankaran)

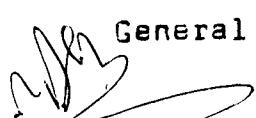
O R D E R (ORAL)

By M.P. Singh, Vice Chairman -
The applicant has filed this OA & seeking the/

main reliefs :-

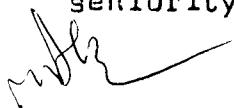
- i). a writ of certiorari quashing the impugned order seniority so far it relates to the applicant.
- ii). a writ of mandamus to respondents to rectify the seniority list and placed the applicant as per the orders passed by the respondent earlier.
- iii) a command to respondents to pay compensation of Rs. 50,000/- for non compliance of the orders.
- iv) a command to respondent to consider the applicant for promotion and give him his due seniority along with his batchmates

2. The brief facts of the case are that the applicant was initially appointed as Trade Apprentice Training on 19.1.66. Thereafter, he was promoted as General Fitter Grade-A w.e.f. 1.1.76. Subsequently



the applicant was promoted as Chargeman Gr II. The respondents have fixed the seniority of the applicant in the grade of Chargeman Gr.II vide order dated 11.1.2000(Annexure-A-4). According to the applicant respondents have not correctly fixed his seniority in the seniority list. He has stated that in this seniority list, he should have been placed with his batchmates. He has also stated that the respondents have violated the principle of established rules and procedure in fixing his seniority in the aforesaid list. He has therefore, filed this OA claiming the aforesaid reliefs.

3. The respondents have filed their reply stating that the applicant was promoted to Supr. B(T) on regular basis from 1.02.1980 in the pay of Rs. 380-560. However, because of a policy decision taken by respondent No.2, Ex-Journeymen was given promotion to Supervisor B(T) on notional basis. Applicant who was a Journeyman was accordingly given notional promotion to Supervisor B(T) from 5.9.1972 vide order dated 28.4.1993 along with all other similarly placed journeymen. However, this notional promotion will not give him any extra right for higher seniority over regularly promoted/appointed Supervisor B(T) but only for notional fixation of pay as per the settled law on the subject. Therefore, his seniority in the grade of Supervisor B(T) was counted only from the date he was promoted to this grade on regular basis from 1.2.1980 like all others. Supervisor B(T) was holding the pay of Rs. 380-560/- prior to 1.1.1986. Similarly, Tradesman Highly skilled Gr.I was also in the identical pay scale of Rs. 380-560. Both these grades were the feeder grades for promotion to Chargeman Gr.II(T). In view of this, the applicant is not entitled for fixation of higher seniority in the grade of Chargeman Gr.II.

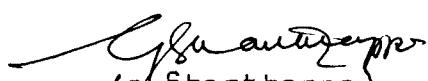


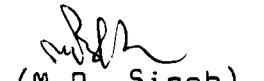
4. We have heard the learned counsel for the parties and perused the record.

5. The learned counsel for the respondents has stated that the similarly placed persons have also filed another OA which has been recently heard by this Tribunal ~~representation~~. and in that case, the applicants have made ~~X~~. However, in the present case the applicant ~~has not~~ made any representation. He should, therefore, be asked to make a representation to them. The learned counsel for the applicant does not have any objection to that.

6. In the circumstances, we deem it appropriate to direct the applicant to make a fresh detailed representation and to submit to the respondents within ~~one month~~ from the date of receipt of this order, ~~with~~ one month. If he complies with this, the respondents shall consider his detailed representation and also to consider this OA as a part of the representation and take a decision by passing a detailed, reasoned and speaking order within a period of 3 months from the date of receipt of copy of such representation.

7. With the above direction, the OA is disposed of.


(D. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

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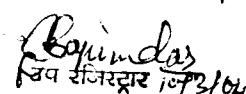
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AP Singh

P. Shankaran


राज्य संसद 10/3/04

ISSUED
12/3/04
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