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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 1118 of 2000

Jabalpur, this the 7th day of April, 2004

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

S.K. Chaudhary,
aged about 43 years,
S/o Shri B.L. Chaudhary,
Labour (unskilled),
Section CMM/45/1423,
Ordnance Factory, Itarsi (MP)
R/o Quarter No. 2287/Type B,
Ordnance Factory Estate,
Itarsi (MP)

APPLICANT

(By Advocate - Shri S. Nagu)

VERSUS

1. Union of India,
through Secretary,
Ministry of Defence Production
and Supplies Government of
India, North Block,
New Delhi.
2. Chairman,
Ordnance Factory Board,
10-A, Shaheed Khudiram Bose
Road, Calcutta (WB)
3. General Manager
Ordnance Factory,
Itarsi (MP)

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the following main reliefs :-

- "(i) to direct the respondents to consider the case of the applicant for promotion to the post of Storekeeper and to promote him if he is found fit to the post of Storekeeper with retrospective effect.
- (ii) to direct the respondents to grant all consequential service benefits from the date the applicant is found fit and promoted as Storekeeper including arrears of salary, seniority, pay fixation etc."


2. The brief facts of the case are that the applicant was initially appointed as Labour (Unskilled) in the Ordnance Factory, Itarsi on 18.01.1982 in the pay scale

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of Rs. 196-232/-. During 1984, a few posts of Assistant Storekeeper in Non-industrial Establishment in the pay scale of Rs. 260-400/- were circulated in the factory for direct recruitment. The applicant preferred an application against ^{the} above circular and he was tested/ interviewed for the said post by a Selection Board. He was found suitable and was appointed to the post of Assistant Storekeeper w.e.f. 5.3.1984 in the pay scale of Rs. 260-400/-. The applicant has committed misconduct and he was proceeded against ^{in a} departmental enquiry. The enquiry was held and after conclusion of the enquiry, the penalty of reduction in rank from the post of Storekeeper to the post of Labourer (Unskilled) ^{imposed} was ^{vide} order dated 15.6.1987 ~~was imposed~~ on the applicant, until the applicant is found fit subject to his experience and seniority for redesignation to equivalent trade/grade and/or for promotion to higher service, grade or post as per rules for redesignation/promotion in the grade of Labour (US). It was further ordered therein that his experience and seniority in the post of Lab (US) and on redesignation to equivalent grade/trade and or promotion to higher service, grade or post, his seniority will be determined by the date of his redesignation/promotion without regard to the service rendered by him in such service, grade or post prior to his reduction. The applicant had preferred OA No. 231/88 in which he had challenged the order of the penalty. The Tribunal vide order dated 9.4.1990 had rejected the claim of the applicant.

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


4. The learned counsel for the respondents has stated that the post of Storekeeper is filled up as per existing Statutory Rules ¹², 90% by direct recruitment and 10% by appointment of Group 'D' existing employees after trade

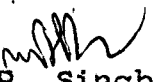


test and not by promotion. There is no provision in the recruitment rules that the labourer can be appointed as Storekeeper by promotion. In any case, the post of labourer (US) is not a feeder grade for promotion to Storekeeper. According to the respondents next promotional post to the applicant is either labourer(SS) or any trade or semi-skilled grade after passing trade test in the particular grade and not Storekeeper as claimed by him since he has not passed the trade test. Therefore, the OA is liable to be dismissed.

5. We have given careful consideration to the rival contentions made by the parties and we find that the applicant was earlier promoted to the post of Assistant Storekeeper after requisite test. The disciplinary proceedings against the applicant have been initiated by the department and the penalty of reduction from the post of Storekeeper to the post of Labourer(US) ^{was} imposed upon him. Hence, he had filed OA No.231/88 ^{and} this Tribunal ^{said} had rejected the claim of the applicant. The statutory rules by which the applicant is governed do not provide appointment of labourer as Storekeeper on promotion as it is not a feeder grade for the post of Storekeeper. 90% posts of Storekeeper are to be filled up by direct recruitment and 10% by the existing departmental employees who pass the trade test. Since the applicant has not passed the trade test, he is not entitled for the reliefs claimed in this OA.

6. For the reasons stated above, the OA is bereft of merits. Accordingly, the same is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman