CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.391 of 1998 &
Original Application No.392 of 1998

Jabalpur, this the 5th day of May, 2003

Hon'ble Mr.R.K.Upadhyaya-Administrative Member
Hon'ble Mr.J.K.Kaushik-Judicial Member

(1) O.A.No.391 of 1998

S.K.Bengal, Grinder H.S.Grade II,
Gun Carriage Factory, Jabalpur - Applicant

(By Advocate - Shri V.Tripathi)

Versus

1. Union of India through the Secretary,
Government of India, Ministry of Defence,
New Delhi.

2. Senior General Manager, Gun Carriage
Factory, Jabalpur. - Respondents

(By Advocate - None)

(2) O.A.No.392 of 1998

S.P.Yadav, son of B.P.Yadav, aged 35 years,
Chargeman Grade-II(T), TRP Section, resident
of 1127, Chandmari Testing Road, Lal Mati,
Jabalpur, M.P. + Applicant

(By Advocate - Shri V.Tripathi)

Versus

1. Union of India through the Secretary,
Government of India, Ministry of Defence,
New Delhi.

2. General Manager, Vehicle Factory, Jabalpur-Respondents

(By Advocate - None)

Common Order (Oral)

By J.K.Kaushik, Judicial Member -

S.K.Bengal and S.P.Yadav have filed OAs No.391/98 and No.392/98 respectively claiming a direction to the respondents to allow the applicants to continue to enjoy the benefit of promotion/upgradation till the final decision of the SLP pending before the Hon'ble Supreme Court.

2. The brief facts necessary for adjudication of these cases are that the applicants in both these OAs are the employees of the Defence Factories and they challenged the redesignation/classification of the

Grinders in four categories as Highly Skilled Grade, Special Grade, A-Grade and B-Grade. The applicants got inspired from a judgment of Calcutta Bench of this Tribunal in the case of Chittaranjan Kanjilal & others Vs. Chairman, Ordnance Factories Board and others , T.A.No.1361 of 1986 decided on 30.10.1987, wherein it was held that there was no 'reasonable justification for the invidious distinction made by the respondents' between the two grades. It was further held that similar merger of the grades of Grinder-A and Grinder-B is clearly unjustified.

3. The applicants were in fact granted the benefit as per the directions of the Calcutta Bench of the Tribunal. Subsequently, the judgment of the Tribunal was challenged before the Hon'ble Supreme Court and thereafter the applicants were ordered to be reverted from the promotional/upgraded post.

4. The respondents have contested the cases and have filed their detailed counter replies wherein it has been specifically submitted that the Hon'ble Supreme Court disposed of the SLP and a liberty was given to the respondents(before the Supreme Court) to seek redressal of their grievances before the Tribunal. A review-petition was filed wherein the earlier order was recalled and after hearing both the parties, the OA has been dismissed. In this view of the matter, the applicants have no case and the order passed regarding their reversion is valid.

5. The learned counsel of the applicants has submitted that their counter parts, who have also filed the cases, are still being continued and are getting the benefits. To this, in the counter reply it has been submitted that SLP No.6044 and CA No.8088/95 have already been filed before the Hon'ble Supreme Court and the final orders in those cases are awaited. Thereafter, the subsequents details are not known to us. However, this should not cause any hurdle in deciding the present controversy, since

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the applicants' claim is based on the judgment of Calcutta Bench of this Tribunal and there the position is clear. It is not the case of the applicants that there is any progress or any further case has been filed against the judgment in review decided by the Calcutta Bench of the Tribunal and which could support their case in their favour in any way.

6. In view of the aforesaid discussion and facts and circumstances of this case, no relief can be granted to the applicants. These Original Applications have no force and stand dismissed with no costs.

(J.K.Kaushik)
Judicial Member

(R.K.Upadhyaya)
Administrative Member.

rkv.

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिलिपि

(1) सचिव, ... जबलपुर
(2) आवे... .....के काउंसल V. Tripathi, Adv.
(3) प्रत्य... .....के काउंसल B. Dalbir, Adv.
(4) कोर्ट...
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार 9.5.03

Issued on 12.5.03 BS