

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 542 of 1998

Jabalpur, this the 16th day of December, 2003

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

1. Ashok Kumar Tamhane,
S/o Late R.G. Tamhane,
Aged about 40 years,
Chargeman Grade II,
CDO III,
Vehicle Factory,
Jabalpur, M.P.

2. I.D. Tiwari,
Aged about 42 years,
S/o Late Onkar Nath,
Chargeman Grade II,
CDO II,
Vehicle Factory,
Jabalpur, M.P.

3. P.C. Ram,
S/o Late Teju Ram,
Aged about 46 years,
Chargeman Grade II,
R.D. Section,
Vehicle Factory,
Jabalpur, M.P.

4. Rajendra Prasad,
S/o Late Mannalal Sharma,
Aged about 46 years,
Chargeman Grade II,
CDO II,
Vehicle Factory,
Jabalpur, M.P.

5. T.C. Sahu,
S/o Shri P.C. Sahu, aged 45 yrs
Chargeman Grade II
CDO II,
Vehicle Factory,
Jabalpur, M.P.

6. S.N. Ghosal, S/o Late AL Ghosal,
Aged 52 years, Chargeman Gr II,
STD, Vehicle Factory, Jabalpur.



7. R.D. Sharma,
S/o Shri Jagdish Prasad,
Aged about 42 years,
Chargeman Gr II, R.D.,
Vehicle Factory,
Jabalpur, M.P.

8. V.N. Sharma,
S/o Shri B.L. Sharma,
Aged about 40 years,
Chargeman Grade II, R.D.,
Vehicle Factory,
Jabalpur, M.P.

9. Sunil Kumar Shrivastava,
S/o Shri H.S. Shrivastava,
Aged about 37 years,
Chargeman Grade II, R.D.,
Vehicle Factory,
Jabalpur, M.P.

10. R.L. Tiwari,
S/o Late B.P. Tiwari,
Aged about 41 years,
Chargeman Grade II, R.D.,
Vehicle Factory,
Jabalpur, M.P.

11. Arun Kumar Awasthi,
S/o Late G.P. Awasthi,
Aged about 48 years,
Chargeman Grade II, CDO-I,
Vehicle Factory,
Jabalpur, M.P.

12. T.K. Banerjee,
S/o Shri N.N. Banerjee,
Aged about 43 years,
Chargeman Grade II, R.D.,
Vehicle Factory, Jabalpur, M.P.

13. G.S. Ahuja, aged about 34 years,
S/o Shri A.S. Ahuja,
Chargeman Grade II, VDO,
Vehicle Factory, Jabalpur, M.P.

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14. C.G. Diwan,
S/o Shri M.G.S. Diwan,
Aged about 43 years,
Chargeman Grade II, VDO,
Vehicle Factory,
Jabalpur, M.P.

15. Chandra Singh,
S/o Shri Kunwan Singh,
Aged about 40 years,
Chargeman Grade II, VDO,
Vehicle Factory,
Jabalpur, M.P.

16. U.K. Khare,
S/o Late Shri R.N. Khare,
Aged about 45 years,
Chargeman Grade II, VDO,
Vehicle Factory,
Jabalpur, M.P.

17. G.S. Saxena,
S/o Late N.P. Saxena,
Aged about 44 years,
Chargeman Grade II, VDO,
Vehicle Factory,
Jabalpur, M.P.

18. Amerika Singh,
S/o Late Abilakh Singh,
Aged about 44 years,
Chargeman Grade II, CCTO-2,
Vehicle Factory,
Jabalpur, M.P.

19. U.K. Agrawal,
S/o Shri D.D. Agrawal,
Aged about 43 years,
Chargeman Grade II, EPP,
Vehicle Factory, Jabalpur, M.P.

20. JS Khandoriya, S/o Late KL
Khandoriya, Aged about 44 years,
Chargeman Gr II, ETP,
Vehicle Factory, Jabalpur, M.P.



21. Gulab Singh,
S/o Shri Keillal Singh,
Aged about 43 years,
Chargeman Grade II, CDO-I,
Vehicle Factory,
Jabalpur, M.P.
22. B.S. Lodhi,
S/o Late L.S. Lodhi,
Aged about 40 years,
Chargeman Grade II, CDO-I,
Vehicle Factory,
Jabalpur, M.P.
23. K.K. Singh,
S/o Late D.N. Singh,
Aged about 37 years,
Chargeman Grade II, DATA,
Vehicle Factory,
Jabalpur, M.P.
24. R.B. Tiwari,
S/o Late G.L. Tiwari,
Aged about 43 years,
Chargeman Grade II, SEM Plant 3
Vehicle Factory,
Jabalpur, M.P.
25. K.K. Bhaskaran,
S/o Late K. Krishnan Acharya,
Aged about 45 years,
Chargeman Grade II, CCTO-3,
Vehicle Factory,
Jabalpur, M.P.
26. A.K. Mitra,
S/o Shri Amuly Kumar Mitra,
Aged about 52 years,
Chargeman Grade II,
Standard Office, VEF, Jabalpur.
27. A.K. Shukla, aged about 38 years,
S/o Shri JP Shukla, Chargeman Gr II,
HRD, Vehicle Factory, Jabalpur. ... Applicants

(By Advocate - Shri S. Nagu)



versus

1. Union of India,
Through the Secretary,
Department of Defence Production
and Supplies,
Ministry of Defence,
New Delhi.
2. The Chairman & DGOF,
Ordnance Factory Board,
10-A, Shaheed Khudiram Bose Road,
Calcutta - 700 001.
3. The General Manager,
Vehicle Factory,
Jabalpur, M.P.
4. The General Manager,
Ordnance Factory,
Katni, M.P.
5. Shri M.K. Choubey,
Chargeman Grade I ✓
6. Shri P. Malhotra,
Chargeman Grade I ✓
7. Shri V.K. Sharma,
Chargeman Grade I ✓
8. Shri S. Saxena,
Chargeman Grade I ✓
9. Shri R.P. Rajput,
Chargeman Grade I ✓
10. Shri Jagdish Prasad,
Chargeman Grade I ✓
11. Shri S.N. Basu,
Chargeman Grade I ✓
12. Shri R.K. Yadav,
Chargeman Grade I ✓
13. Shri D.K. Jain,
Chargeman Grade I ✓



14. P.C. Jha,
Chargeman Grade I,

15. Shri Jagdish Sah, ... deleted vide order
Chargeman Grade I dated 10.09.2003.

16. Shri K.G.S. Thakur ... deleted vide order
Chargeman Grade I dated 10.09.2003.

17. S.K. Roy,
Chargeman Grade I

18. Shri A. Pillai,
Chargeman Grade I

19. Shri Ravindran P.G.,
Chargeman Grade I

20. Shri Amar Singh, ... deleted vide order
Chargeman Grade I dated 10.09.2003.

21. Shri K.L. Yadav,
Chargeman Grade I

22. Shri P.L. Khare, /
Chargeman Grade I

23. Shri R.N. Majumdar,
Chargeman Grade I, /

24. Shri H.S. Kashyap,
Chargeman Grade I

25. Shri Ramesh Chandra,
Chargeman Grade I

26. Shri P.S. Mandal, /
Chargeman Grade I

27. Thakur Prasad, /
Chargeman Grade I

28. Shri R.P. Gond, /
Chargeman Grade I

29. Shri M. Valliyan,
Chargeman Grade I

30. Shri S.N. Polkamwar, /
Chargeman Grade I

Ap/

31. Shri D.K. Dhara,
Chargeman Grade I
32. Shri R.S. Chouhan,
Chargeman Grade I
33. Shri S.C. Bera,
Chargeman Grade I
34. Shri V. Phansalkar,
Chargeman Grade I
35. Shri Gouri Shankar,
Chargeman Grade I
36. Shri P. Mukherjee,
Chargeman Grade I
37. Shri J. Chakraborty,
Chargeman Grade I
38. Shri M. Rao,
Chargeman Grade I
39. Shri Shobha Lal,
Chargeman Grade I
40. Shri Kureel,
Chargeman Grade I
41. Shri ^{SK} BM Kostya,
Chargeman Grade II
42. Shri B.M. Joy,
Chargeman Grade II
43. Shri B.R. Mathankar,
Chargeman Grade II

Respondents 5 to 43
C/o General Manager,
Vehicle Factory,
Jabalpur, M.P.

(By Advocate - Shri P. Shankaran for official respondents &
none for other respondents) ... Respondents

O R D E R (Oral)

By G. Shanthappa, Judicial Member -

The above Original Application is filed seeking the relief for direction to quash the impugned provisional seniority list Annexure A-15 as being unlawful and unsustainable in the eyes of law. It was further prayed to direct the respondents to

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place the applicants enblock senior to the private respondents who are though out holding the lower pay scale than that of the applicants and issue fresh seniority list accordingly. The further relief is to direct the respondents to consider the case of the applicants and promote them to the post of Chargeman Grade I (T-ech) with retrospective effect i.e. from the date when their juniors and persons holding the lower pay scale and equivalent pay scale had been promoted. They further pray to consider the case of the applicants for promotion in accordance with the provisions made in the SRO No. 13-E of 1989 and grant promotion with retrospective effect when their counter parts in the equivalent pay scale and grade have been given the benefit of the same and granted promotion. In the alternative the respondents be directed to grant time bound promotion to the applicants as Senior Draughtsman in terms of the orders dated 15.09.1995 (Annexure A-5) and OM dated 19.10.1995 (Annexure A-4).

2. After hearing the advocate for the applicant and the advocate for the respondents, we are of the view that admittedly Annexure A-15 dated 23.05.1998 is a provisional seniority list. The applicants have submitted their objections to the provisional seniority list vide Annexure A-12. In pursuance to the said representation the respondents have not finalised the final seniority list. The learned counsel for the applicants submitted that direction be given to respondent No. 3 to finalise the seniority list on the basis of the objections submitted by them. The learned counsel for the applicants also submitted that they may also be given liberty to file an additional representation in respect of the latest developments taken place and to include the circulars regarding seniority, subsequent to filing of the OA.

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3. Accordingly, we direct the applicants to file a detailed fresh representation to the respondents and they are at liberty to include the subsequent instructions/orders issued by the Government with regard to the fixation of the seniority, within a period of two months from the date of receipt of copy of this order. ^{Gr} ^{Gr} After receipt of the detailed representation from the applicants, ^{the respondents are} ^{Gr} directed to decide the same by passing a speaking, detailed and considered order within a period of three months from the date of receipt of the representation. Accordingly, the original Application stands disposed of. No costs.

G. Shanthappa

(G. Shanthappa)
Judicial Member

M.P. Singh

(M.P. Singh)
Vice Chairman

प्रतिक्रिया द्वारा दिया गया जवाब दिया जाएगा।

(1) श्रीमति S. Naresh, अधिकारी, जवाहरलाल

(2) श्रीमति P. Shantappa, अधिकारी, जवाहरलाल S. Naresh, Achr.

(3) श्रीमति P. Shantappa, अधिकारी, जवाहरलाल P. Shantappa, Achr.

(4) श्रीमति P. Shantappa, अधिकारी, जवाहरलाल P. Shantappa, Achr.

Rejindar Singh
22/12/03

Final
22/12/03
"SA"