

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

O.A.No.633/1999

Jabalpur, this the 20th day of November, 2003

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

Ashok Kumar Pachouri, S/o. Shri Pooranlal Pachouri,
TGT English Teacher
Ordinance Factory, Higher Secondary School
Itarsi, Distt. Hoshangabad. .. Applicant

(By Advocate: Sh. G. R. Kachhwaha)

Versus

A. Union of India through
the General Manager
Ordinance Factory Board
Ordinance Factory - Itarsi
Distt. Hoshangabad.

B. General Manager
Ordinance Factory Board
Guncarriage Factory
Jabalpur.

C. Chairman
Ordinance Factory Board
10 A - Auckland Road
Calcutta - 700 001. ... Respondents

(By Advocate: None)

O R D E R (Oral)

By M. P. Singh, Vice Chairman:

None appeared for the respondents even on second call. Since this OA pertains to the year 1999, we proceed to dispose of this OA in terms of Rule 16 of the Central Administrative Tribunal (Procedure) Rules, 1987. In this OA, the applicant has sought direction to the respondents to promote him as PGT (English).

2. The facts of the case, in brief, are that the applicant has been appointed as Trained Graduate Teacher (TGT) on 31.7.1992 in Ordinance Factory, Higher Secondary School, Itarsi. The respondents have issued a Circular/inviting the applications for filling up of 10 posts of Teacher Primary School, 1 post of TGT, and one post each for PGT (English) and PGT (Physics).

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3. The contention of the applicant is that since 1992 he has been performing the duties of TGT and is thus eligible for promotion to the post of PGT as per the recruitment rules. Therefore, the respondents should not fill up these vacancies by appointing the outsiders through direct recruitment ignoring the claim of the applicant for promotion to the post of PGT (English).

4. The respondents, in their reply, have stated that the applicant is a departmental candidate and as such he has to wait for his turn to become PGT. According to them, two posts of PGT - one for Physics and another for English, were advertised. These posts are against 50% direct recruitment quota, hence, the appointment is to be made through direct recruitment. The applicant is, therefore, not entitled for promotion to the post of PGT in violation of the provisions of SRQ.


5. Heard the learned counsel for the applicant and perused the material on record. The learned counsel for the applicant has submitted that there are two posts of PGT out of which one post should be ear marked for the ^{promotion} / quota and he should be promoted to the post of PGT. He also drawn our attention to the recruitment rules at Annexure A-2 and also to Annexure A-3 (a letter dated 14.5.1996). Annexure A-3 is a forwarding letter of minutes of the meeting of All India Ordnance Factory Teaching Staff Association wherein it has been mentioned that the association has requested to amend the recruitment

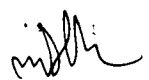
ment Rules (i.e. SRO-91) so as to fill up the posts 100% by promotion.

6. The learned counsel for the applicant has also drawn our attention to the Judgement of the Hon'ble Supreme Court in the case of State of West Bengal v. H.N.Bhowal, (1994) 2 JT 610 which is placed at Annexure A-4. We have carefully examined the aforesaid judgement and in the facts and circumstances of the case on hand, the aforesaid Judgement is not applicable in this case.

7. We have carefully perused the pleadings on record and find that as per the recruitment rules, the post of PGT (English) is required to be filled up 50% by direct recruitment and 50% by promotion failing which by direct recruitment. There is only one vacancy of PGT (English) for which the applicant was not eligible for consideration as that vacancy falls on direct recruitment quota and, therefore, is required to be filled up by direct recruitment. The applicant's case can be considered for promotion to the post of PGT (English) if the vacancy falls in the promotion quota. Therefore, we do not find any infirmity in the impugned circular at Annexure A/1.

8. In the result, for the foregoing reasons, the OA has no merit. Accordingly, the same is dismissed. No costs.


(G. SHANTHAPPA)
Judicial Member


(M.P. SINGH)
Vice Chairman