

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 797 of 1998.

Jabalpur, this the 1st day of April, 2003.

Hon'ble Mr. Shanker Raju - Member (Judicial)
Hon'ble Mr. R.K. Upadhyaya - Member (Admnv.)

1. S.K. Patel, Son of Late Shri Beni Prasad, aged 37 years, resident of 2736, Durga Nagar, Adhartal, Jabalpur, M.P.
2. R.A. Ram son of Shri Ram Jatan, aged 37 years, Occupation Exam. (S.K) Resident of 2024-A, Type Q, Sec.D, V.F.J. Estate Jabalpur, M.P.
3. D.K Kashyap son of Shri P.M. Prasad, aged 40 years, Exam(SK), New Shobhapur, Near Railway Gate, Jabalpur
4. Arun Kumar Sood son of Shri V.K. Sood, aged 37 years, Exam.(SK), Resident of H.No.E/7, Patel Nagar, Mahajpur, Adhartal, Jabalpur.
5. Krishna Das Katare, son of S.P. Katare, aged about 42 years, Exam. (SK), resident of House No. 823, Plot No. 687, Shakti Nagar, Jabalpur
6. T.K. Das, Son of M.R.Das, aged about 37 years, Exam.(SK), Resident of Q.No. 2109 B Type-I, Sec.II, V.F.J. Jabalpur, M.P.

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7. R.S. Thakur, son of Chandra Singh, aged about 38 years, Exam. (SK), Resident of 18416 Talao Ward, Gokalpur, Jabalpur.
8. S.K. Kashyap, S/o Shri D.S. Kashyap, aged about 38 years, Exam (SK), Resident of 365, West Ghampur, Jabalpur.
9. R.K. Bairagi, S/o Late Kalipada Bairagi, aged about 42 years, Fitter Skilled, Resident of Bilpura, Colony, V.P. Jabalpur.
10. V.S. Murti Son of V. Gaghu, aged about 43 years, Ex. (SK) Resident of 105 alok Nagar, Adhartal, Jabalpur.
11. R.S. Goghel son of Digamber Singh, aged about 37 years, Skilled Resident of H.No. 1415, East Ghampur, Near Gopal Hotel, Lalmati Jabalpur, M.P.
12. R.K. Palia son of Shri G.P. Palia, aged about 38 years, Skilled, resident of 892, Near 4th Bridge, Napier Town, Jabalpur.
13. M. Hamid, son of M. Easa, aged about 50 years, Exam. HGI Resident of 278, Anwargan J, Hanumantal, Jabalpur.
14. R.S. Patel son of Shri Suderlal, aged about 26 years, Exam. (SK), resident of 2242 Type-II Sec. I, Jabalpur.
15. Mohd. Shareef Son of Shri Sheikh Ahmed, aged about 45 years, Machinist, resident of H.No. 982, South Motimala Dhalgha Mohalla, Jabalpur.
16. A.K. Vishwakarma, son of Shri Kashi Prasad, Vishwakarma, aged about 35 years, 24/MMT/11265 Machinist, R/o 991, West Belbag Lakadganj, Toriya, Jabalpur M.P.

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17. A.R. Zarbada son of Shri Vithal Rao, aged about 46 years, Gen. Fitter(SK). Resident of 1759, New Shobhapur, Jabalpur.
18. N.C. Dutta Banik son of late Shri B.B. Dutta, Banik, aged about 43 years, Electrician (SK) Resident of 1095, Sharda Nagar, V.F. Jabalpur.
19. Laxman Prasad Kurmi son of Shri suraj Prasad Kurmi, aged about 42 years, LDC, resident of 1482, Sec.E. Type-I V.F. Estate, Jabalpur.
20. Kalyan Bhattacharya, son of Late Shri B.K. Bhattacharya, aged about 38 years, Exam. (SK), H.No.Q.No.2865 Type-Q, Sector, V.F. Estate Jabalpur
21. Subhash Chatterji son of Late Shri P.C. Chatterji, aged about 38 years, Toolmaker, resident of Q.No. 1968, B.Sec. B V.F. Estate, Jabalpur.
22. Tarun Kumar Bhattacharya, son of Ranjit Prasanna, Bhattacharya, aged about 42 years, Ex.(SK), R/o H.No. 1561/4, Yadav Colony, Elza Nursery School, Jabalpur.
23. Dinesh Thakur son of Shri J. Thakur, aged about 28 years, resident of 2217/B.Sec. II,V.F.Jabalpur Jabalpur.
24. B.R. Karyare, son of Amarnath, aged about 45 years, Exam. Resident of Manegaon, Jabalpur
25. P.K. Shrivastava, son of Shri S.K. Shrivastava, aged about 37 years, Exam. (SK), R/o 2266 II Sec.I V.F.Jabalpur.
26. R.K. Mishra, son of Shri N.R. Mishra, aged about 36 years, Mil-right(SK), House No.151, Plot No. F-1, Patel Nagar, Maharajpur, Jabalpur.

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27. B.N. Mukerji son of Shri K.P Mukherji, aged about 43 years, Auto Fitter (SK) Resident of Ganga Nagar, Colony, Garha, Jabalpur.
28. P.K. Chakraborty son of Shri K.C. Chakraborty, aged about 39 years, Exam (SK), Resident of 154, Subhash Nagar, Khamaria, Jabalpur,
29. M.K. Tiwari, son of Shri M.S. Tiwari aged about 42 years, Exam.(SK) Resident of Plot No. 665, Shiv Nagar, Damoh Naka, Jabalpur.
30. Shafiuddin son of Shri A. Wahed aged about 42 years, Machinist (SK), Resident of 877, Naya Mohalla, Jabalpur,
31. Akhtar Hussain son of late Shri Sheikhchand aged about 42 years, Machinist (SK), Resident of Q.No. 2830, Sec.II, V.Fy. Estate Jabalpur.
32. Rajesh Kumar Ummat, Son of Late Shri N.D. Ummat, aged about 38 Years, Jig Borer HS II resident of H.No. 3119, Narsingh Nagar Ranjhi, Jabalpur.
33. Shanti Kumar son of Late Shri S.B. Maiti, aged about 49 years, Skilled Turner Pilli Bldg. Corpn. Damoh Naka, Jabalpur.
34. S.P. Yadav, Son of B.P. Yadav, aged about 45 years, HS-II Grinder Resident of 1127, Chandmari Testing Road, Lalmati, Jabalpur.
35. L.N. Raikwar son of Shri S.L. Raikwar, aged about 42 years, Machinist (Sk, 3539, Near MITI Jabalpur.
36. D.K. Das, aged about 46 years, son of Shri M.C. Das, aged about 46 years, LDC, Resident of 1768/C Sec.2, V.F. Jabalpur.

Ch. Singh

37. Amirchand S/o Deen Dayal, aged about 45 years, Machinist, R/o 564/SEM 1445A Footatal, Barhai Mohalla, Belbag, Jabalpur. M.P.
38. G.P.Bain, son of Shri Govind Bain, aged about 42 years, Machinist, resident of Kumud Bai Ka Bada, Jogi Mohalla, Gorakhpur, Jabalpur.
39. Awadh Bihari Tiwari, son of Late Shri S.P. Tiwari, aged about 38 years, Resident of Champa Nagar, Manegaon, West Land, Khamaria Jabalpur, M.P.
40. Raj-she Kharan Pillai, son of Parmeshwaran Pillai, aged 49 years, R/o Q.No. 2319 C, Sector,1, Type-B V.F. Estate, Jabalpur.
41. Bharat Lal Kachi, son of Late Gendalal, aged 41, years, R/o H.No. 87, Gangamaiya, Gyan Bharti School, V.F. Jabalpur.
42. Abdul Sayeed Mansorri, son of Shri S.K. Mulayam, aged about 42 years, R/o H.No. 778 South Miloniganj, Gohalpur Road, Jabalpur.
43. D.P. Gupta, son of Late K.P. Gupta, aged 51 years, resident of Kansodhan Nagar Madhotal Jabalpur.
44. K.K. Asangi, son of Late N.P. Asangi, aged 33 years, Resident of 25/B Ekta Nagar, Cherital, Jabalpur.
45. S.C. Dubey, son of Shri K.N. Dubey, aged 36 years, Resident of Bajrang Nagar, Near Kali Mandir, V.F. Estate, Jabalpur.
46. Premlal Sahu, son of Late Baliram Sahu, aged 38 Years, resident of H.No. 2094, Ranjhi Purani Basti, Ambedkar Ward, Jabalpur.
47. Suresh Ojha, son of Late P.L.Ojha, aged 44 years, Resident of 2041, New Shobhapur, Jabalpur.
48. Ram Chand Ghosi, son of Kodulal Ghosi, aged 48 years, Resident of House No. 262, Amkheda, New Ram Nagar, Near Srahi Building, Jabalpur

...APPLICANTS

(By Advocate- Mr.V.Tripathi)

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1. The Union of India through its Secretary, Ministry of Defence, New Delhi.
2. Director General, Ordnance Factory/Chairman Ordnance Factory, Board, 10-A Auckland Road, Calcutta.
3. General Manager, Vehicle Factory, Jabalpur, MP.

-RESPONDENTS

(By Advocate- Mr.B.da.Silva)

O R D E R

By R.K.Upadhyaya, Member (Admnv.):

In this application, the applicants have challenged the order dated 31.08.1998 (Annexure A/7-A), by which some of the applicants has been informed that there are no vacancies of Chargeman Gr.II(T) to be filled-up through Limited Departmental Competitive Examination (L.D.C.E. for short). The applicants have also been informed that the post of Chargeman Grade-II are to be filled-up for the vacancies pertaining to their own factory. The claim of the learned counsel for the applicants is that the statement made in the communication dated 31.8.1998 (Annexure A/7-A) is incorrect and against the facts available on record. He invited attention to the reply filed by the respondents, wherein authorised strength of Vehicle Factory, Jabalpur is given as 467 whereas the existing strength has been shown as 680. In spite of this, the Ordnance Factory Board have filled-up 20 posts by direct recruits. According to the learned counsel for the applicant, the SRO-13-E (Annexure A-1) and SRO 1991 (Annexure A-2) prescribe the quota for filling up the post of Chargeman Gr.II(T) as follows:-

(i) 50% of promotion from HS-I, on the basis of seniority.



(ii) 25% by direct recruitment (Selection) from the open market.

(iii) 25% by departmental candidates through the limited departmental competitive examination (LDCE).

It is claimed that if 20 persons were recruited, atleast 25% of the same should have been filled-up by LDCE. The learned counsel, therefore, claims that direction should be issued to the respondents to make promotion quota available to the applicants, as 20 direct recruits have been recruited.

2. The learned counsel for the respondents invited attention to the reply filed and stated that the authorised strength is only 467 whereas the existing strength is 680. In view of the fact that nil vacancy was notified, many factory employees including petitioners applied for the post of Chargeman Gr.II/Tech. Their applications were accepted against overall vacancies. However, subsequently it was clarified by the Ordnance Factory Board that the post of Chargeman Gr.II is a factory based selection. Therefore, the candidature of the applicants of this factory was not to be considered. The respondents have further stated that to meet specific requirement to establish new production process at Vehicle Factory, Jabalpur sanction was accorded by Ordnance Factory Board for direct recruitment of 20 posts of Chargeman Gr.II/T as a special and one time case against overall vacancies of the Organisation. These 20 Posts do not belong to Vehicle Factory, but are from the overall strength. Therefore, calculation of quota arising in the vacancies of the factory is not applicable in this case. According to the respondents, the applicants for should have completed the post of direct recruitment, if they were otherwise eligible and could have applied against direct recruitment.

Ch. Jagannath

3. We have heard the learned counsel of both the parties and have perused the material available on record.

4. On 26.03.2003, Shri V.Tripathi, learned counsel for the applicant and Shri B.da.Silva, learned counsel for the respondents were heard in part. The learned counsel for the respondents was asked to produce material in support of his assertion that the filling up of 20 posts of direct recruits was not governed by the relevant recruitment rules. For this purpose, he was directed to produce the relevant record on 27.3.2003. On 27.3.2003, Shri S.C.Sharma, Additional Standing Counsel of the Central Government appeared and made a request that one ^{more} ~~day~~'s time is required to produce the relevant record. However, on 28.3.2003, nobody appeared on behalf of the respondents. Therefore, this Tribunal has drawn adverse inference and reserved the order after hearing the ~~counsel~~ of the applicant.

5. As has been asserted by the applicants and have not been denied by the respondents that the relevant rules provide for a quota for direct recruits and promotees. It may be a fact that there were excess incumbents in the Vehicle Factory, Jabalpur than the sanctioned strength. However, if any recruitment is made ^{they are} ~~to be~~ recruited under recruitment rules only. If 20 direct recruits were recruited, the promotees should also have been given their due shares as per rules. Since the departmental employees have not been given opportunity to appear in LDCE for any vacancy, we are of the opinion that such number of Chargeman should be promoted by LDCE, in view of the appointment of 20 direct recruits. The respondents

*Ansawar
Counsel*

are directed to hold a departmental examination for such posts within a period of four months and if applicants are found otherwise suitable, as per their seniority and other rules they may be allowed to appear. In case, the claim of the applicants is rejected, they may be individually informed with reasoned order before dismissal ^{of} their claim to appear in the examination.

6. In view of our directions in the preceding paragraph, this Original Application is allowed without any order as to costs.

(15/3/1944)

(R.K.Upadhyaya)
Member (Admnv.)

S. Raju
(Shanker Raju)
Member (Judicial)

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प्रकाशकन सं. ऑफिस/लाइन
प्रतिविवर

- (1) समिति
- (2) अधिकारी
- (3) प्रत्यक्षी
- (4) विदेशी

सूचिया द्वारा दिया गया

चुर
कांसल S. Raju - Actu
कांसल B. dasartha Adde

Shanker Raju
उपराजिकार
21/6/03

Issued
7/6/03
by
B. dasartha