

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

Jaipur, the 20th day of July 2005

ORIGINAL APPLICATION NO. 333/2005

CORAM:

HON'BLE MR. M.L. CHAUHAN, MEMBER (JUDICIAL)

HON'BLE MR.G.R. PATWARDHAN, MEMBER (ADMINISTRATIVE)

1. Ramesh Kumar Meena son of Shri Gulab Rai aged about 43 years, resident of House No. 45, Needad vaya Vishkarma Industrial Area, Jaipur. Office HQCEJZ, Jaipur, Power House Road, Jaipur (MES)

2. Ram Gopal Meena son of Shri Suwa Lal Meena, resident of Village-Aakeda Doongar, Tehsil Aamer, District Jaipur. At present working as Office Superintendent in the office of Chief engineer, Jaipur Zone, Jaipur.

.....Applicant

Applicants present in person.

versus

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

2 The Director General (Pers)/EIDPC II, Engineer in Chiefs Branch, Army Headquarters, Kashmir House DHQ PQ, New Delhi.

3 The Chief Engineer (MES), Headquarters, Jaipur Zone, Jaipur, Power House Road, Jaipur.

....Respondents

By Advocate :

ORDER (ORAL)

The applicants have filed this OA thereby praying for the following reliefs:-

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(i) That this Original Application may kindly be accepted and allowed and by an appropriate order or direction the respondents may kindly be directed to produce the entire record relating to the present case before this Hon'ble Tribunal for perusal.

(ii) By an appropriate order or direction the respondents may kindly be directed to issue the extended panel for promotion of Office Superintendent to the grade of Administrative Officers in MES for the vacancy year 2005-06 before issuing the promotion orders to the 92 officers with reference to letter No. B/43006/DPC/AO/2005-06/EI DPC-II dated 30.5.2005.

(iii) Any other order/direction or relief may be granted in favour of the applicant which may be deemed just and proper in the facts and circumstances of this case.

2 Briefly stated, the facts of this case are that the respondents prepared a panel of 92 Administrative Officers Grade II vide letter dated 30.5.2005. Feeder category for promotion to the post of Administrative Officer Grade II was Office Superintendent. The applicants who are presently working as Office Superintendents, were also eligible for promotion to the post of Administrative Officer Grade II but their names have not been empanelled. The grievance of the applicants is that as many as 31 officers are going to retire during this year, as such it was incumbent upon the respondents to prepare extended panel for the post of Administrative officer Grade II for the vacancies occurring for the year 2005-2006. It is further stated that in similar circumstances, the respondents have prepared extended panel while making promotion of (i) Superintending Engineer to Additional Chief Engineer, (ii) Additional Chief Engineers to Chief Engineers (iii) Assistants to Office Superintendent and

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(iv) Chief Draftsman to Technical Officer in MES but in the case of category belonging to the applicants, the respondents have not prepared the extended panel. Thus according to the applicants, the action of the respondents is in violation of the Government of India, DOPT OM dated 09.04.1996 whereby it was stipulated that when officers included in the panel are retiring within the same year, extended panel can be prepared provided that there is no change in the zone of consideration by the expected date of their retirement besides other conditions. It is further stated that they have also filed representation before Respondent No. 2 but no action has been taken on such representation. The applicants have also annexed the copy of one such representation filed by Applicant No. 2 as Annexure A/8.

3 We have heard the applicants present in person. The applicants submit that they will be satisfied if the directions is given to Respondent No. 2 to decide the representation dated 25.06.2005 (Annexure A/8) by passing a reasoned and speaking order.

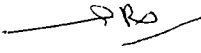
4 In view of what has been stated above, we are of the view that ends of justice will be met if the directions is given to the Respondent No. 2 to decide the representation dated 25.06.2005 (Annexure A/8), filed by respondent No. 2 by passing a reasoned and speaking order thereby dealing with the contentions raised by the applicants.

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5 Accordingly, the respondent No. 2 is directed to pass reasoned and speaking order on the representation dated 25.06.2005 (Annexure A/8) filed by Applicant No. 2 within a period of six weeks from the date of receipt of a copy of this order.

6 With these observations, the OA is disposed of at admission stage.


(G.R. PATWARDHAN)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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