

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 07th day of January, 2010

ORIGINAL APPLICATION NO. 490/2006

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Man Mohan Jalwal son of Shri Brahmdudd Jalwal, aged about 50 years, resident of III/1, MES Colony, Nasirabad District Ajmer. Presently working as Electrician Highly Skilled Grade I in the office of Chief Engineer, Headquarter, MES, Jaipur.
2. Ram Dey Jat son of Shri Ram Chandraji, aged about 47 years, resident of Block No. 63/4, MES Colony, Nasirabad District Ajmer. Presently working as Electrician Highly Skilled Grade I in the office of Chief Engineer, Headquarter, MES, Jaipur.
3. Suresh Chand Sharma son of Shri Raghunath Sharma, aged about 42 years, resident of House NO. 2596, Pop Singh Mohalla, Nasirabad District Ajmer. Presently working as Electrician Highly Skilled Grade I, in the office of Chief Engineer, Headquarter, MES, Jaipur.
4. Narendra Kumar son of Shri Damodar Prasad Sharma aged about 41 years, resident of Gali No. 2, Indira Colony, Meersha Ali, Ajmer. Presently working as Electrician Highly Skilled Grade I, in the office of Chief Engineer, Headquarter, MES, Jaipur.

.....APPLICANTS

(By Advocate: None)

VERSUS

1. Union of India through Secretary to Government, Ministry of Defence, Raksha Mantralaya, New Delhi.
2. Commander Works Engineering Army, Jaipur.
3. Headquarter Chief Engineer, MES, Jaipur.
4. Shri Roop Chand Verma son of Shri Chhagan Lal, Electrician Highly Skilled Grade II, Block No. 96, MES Colony, Nasirabad District Ajmer.

.....RESPONDENTS

(By Advocate: Mr. Kunal Rawat, Sr. Standing Counsel)

ORDER (ORAL)

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

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- "(i) by appropriate order or direction the impugned order dated 29.11.2005 may kindly be quashed and set aside to the extent it gives promotion to the persons junior to the applicants. Hence the order needs to be modified to the effect that the applicants be given promotion on the post of Master Craftsman pursuant to the said order alongwith the consequential benefits.
- (ii) by further order or direction the respondents be further directed to correctly determine seniority after taking into consideration the judgment of the High Court as well as order passed by the Respondents themselves wherein it was provided that employees working as Highly Skilled Grade I would be treated en block senior to Grade II employees after arranging seniority as mentioned above, consequential benefits should be given to the applicants and the benefits of the issue as determined pursuant to the High Court's judgment be given to the applicants also.
- (iii) Any other appropriate order or direction which the Hon'ble Tribunal may consider just and proper in the facts and circumstances of the case, may also kindly be passed in favour of the applicants.

2. The applicants have also impleaded ~~of~~ Shri Roop Chand Verma as respondent in the OA who was granted promotion on the post of MCM w.e.f. 20.05.2003 as is evident from document annexed with the order dated 29.11.2005 (Annexure A/1). The grievance of the applicants in this case is that although person junior to them has been granted promotion from retrospective date but such benefit has not been extended to them.

3. Notice of this application was given to the respondents. The respondents have filed reply thereby opposing the claim of the applicants. Subsequently, the respondents have also moved MA No. 04 /2010 whereby in Para Nos. 2 &3, they have made the following averments.

"2. That the respondents after filing the reply to the Original application convened the review DPC as per Govt. of India, Ministry of Defence letter dated 20.05.2003 and

the applicants have been promoted to Elect. MCM w.e.f. 20.05.2003 vide order dated 26.02.2008. The photo-stat copy of the promotion order dated 26.02.2008 is filed herewith and marked as Annexure MA/1.

3. That the respondents while promoting the applicants vide order dated 26.02.2008, also reverted the junior persons vide order dated 16.04.2008 who were promoted earlier vide order dated 29.11.2005. The photo-stat copy of the reversion order dated 16.04.2008 is filed herewith and marked as Annexure MA/2."
4. In view of the averments made in the MA, the relevant portion of which has been reproduced above, we are of the view that the claim of the applicants has been accepted by the respondents and the present OA has become infructuous.
5. With these observations, the OA shall stand disposed of with no order as to costs.

B.L.K
(B.L. KHATRI)
MEMBER (A)

M.L.C
(M.L. CHAUHAN)
MEMBER (J)

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