

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.Nos. 32 and 33 of 2012

Cuttack the 14th day of November, 2017

CORAM:

THE HON'BLE SHRI S.K.PATTNAIK, MEMBER(J)
THE HON'BLE DR.MRUTYUNJAY SARANGI, MEMBER(J)

IN O.A.No.32 of 2012

Sri Kashinath Beura, aged about 46 years, S/o. Sri Jambeswar Beura, Jr.Armourer in the Aviation Research Centre (Ordnance) Cadre, at present working in the Cash Section At:ARC, Charbatia, PS:Choudwar, District: Cuttack, Orissa

...Applicant

IN O.A.No.33 of 2012

Sri Banshidhar Sahu, aged about 50 years, S/o. late Chandramani Sahu, Sr.Armourer in the Aviation Research Centre (Ordnance) Cadre, at present working in the A.D. (Tech.), Office with concurrent charge of the CSD records and inventories, At: ARC, Charbatia, PS: Choudwar, District-Cuttack, Orissa

...Applicant

By the Advocate(s)-M/s.S.B.Panda
G.N.Rana

-VERSUS-

Union of India represented through:

1. The Director General of Security, Aviation Research Center, At: Directorate General of Security, Cabinet Secretariat, Government of India, Block-V(East), R.K. Puram, New Delhi.
2. The Special Secretary, ARC, Directorate General of Security, Cabinet Secretariat, Government of India, Block-V(East),R.K. Puram, New Delhi
3. The Joint Deputy Director (Pers. B), ARC, Directorate General of Security, Cabinet Secretariat, Government of India, Block-V (East), R.K.Puram, New Delhi.
4. The Joint Deputy Director (Administration), Aviation Research Centre (ARC), Government of India, At: Charbatia, PS_Choudwar, District-Cuttack, Orissa.

...Respondents

(in

Both the OAs)

By the Advocate(s)-Mr.A.Pradhan

ORDER

DR.MRUTYUNJAY SARANGI, MEMBER(A):

The applicant in O.A. No.32 of 2012 worked as Junior Armourer in the Aviation Research Centre (Ordnance) at Charbatia, Cuttack at the time of filing the O.A. He had joined as Junior Armourer in the year 1985 and was subject to ARC (Ordnance) Services Rules, 1977 as amended in the year 1995. The applicant in O.A.No.33 of 2012 was working in the A.D.(Tech.)'s office with current charge of the CSD records and inventories at ARC, Charbatia at the time of filing the O.A. He had joined the ARC (Ordnance) Services in the year 1986 in the post of Junior Armourer. Both the applicants claim that although they were entitled for promotion as per ARC (Ordnance) Services Rules, 1977 as amended in the year 1995, no promotion was given to them.

2. Applicants in both the O.A.s have prayed for common reliefs which are as under:

- i) Rule Nisi may be issued calling upon the Respondents to show cause as to why the reliefs sought for herein shall not be granted in favour of the applicant and upon showing their no cause and/or insufficient cause, the said rule may be made absolute.
- ii) The applicant may be granted all promotional benefits with retrospective effect (deemed promotion) as per the then vacancy roster and with all financial benefits as arrears flowing therefrom, as the organization has continuously extracted the services of the applicant in accounts Unit at ARC, Charbatia since inception and also continues to do so even after shifting of the CSD.

- iii) Upon given such arrear benefits, the applicant may be given option to opt for merger with any other equivalent cadre and post of the ARC or an of its sister concern so as to enable the applicant to retain all his service benefits'rights.
- iv) Any other consequential relief(s) as would be deemed just and proper may be granted in view of the facts and circumstances of the case.

3. When the matters were taken up for argument, the learned counsels from both the sides submitted that this Tribunal has disposed off a similar matter on 20.6.2017 in O.A.No.30 of 2012 and therefore, the same order may be passed in these matters. A perusal of the said order shows that the prayer clause was identical with the present O.As and this Tribunal had adopted the order passed in a similar O.A. in O.A.No.855 of 2011 with identical facts as in O.A.No.30 of 2012. It was accepted by the learned counsels from both the sides that an identical order as in O.A.No.30 of 2012 will serve the ends of justice. It was also agreed that the order passed by this Tribunal in O.A.No.30 of 2012 has already been implemented by the respondents.

4. Under the circumstances, for both O.A.Nos.32 of 2012 and 33 of 2012, we reiterate the order as in O.A.No.30 of 2012 as under:

- i) The Respondents to consider the applicants' promotion to the grade of Sub Inspector in the light of Amended Recruitment Rules, 1995, provided these amended Recruitment Rules are in force to cover the case of the applicants.
- ii) Subject to other conditions of the Rules, if the applicants are found eligible for promotion, they be so granted with effect from the date the same is due and admissible.
- iii) In case the applicants are promoted retrospectively, they shall only be given the benefit of notional promotion and other service benefits except any financial benefits.

The above directions shall be complied with by the Respondents within a period of 120(one hundred twenty days) from the date of receipt of this order.

5. Both the Original Applications are disposed off as above, with no order as to costs.

(DR.MRUTYUNJAY SARANGI)
MEMBER(A)

(S.K.PATTNAIK)
MEMBER(J)

BKS

