

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH**

**O.A. No. 540/ 2014**

**Reserved on : 18.09.2017**

**Date of Pronouncement\_14.11.2017**

**CORAM :**

**Hon'ble Shri A. K. Upadhyay, Member (A)**  
**Hon'ble Shri Jayesh V. Bhairavia, Member (J)**

Ashutosh Kumar S/o Sri B.P. Singh resident of Village Dihara, PS Rahui, District Nalanda.

**.....Applicant**

**By Advocate : Shri J.K.Karn**

**VERSUS**

1. The Union of India through the Secretary, Ministry of Defence, South Block, New Delhi – 110 001.
2. The Director General Ordnance Factory and the Chairman, Ordnance Factory Board, Government of India, Ministry of Defence, 10-A, S.K.Bose Road, Kolkata.
3. The General Manager, Government of India, Ministry of Defence, Ordnance Factory Nalanda (Project), Rajgir, Nalanda.
4. The Works Manager, Project & Engineering, Ordnance Factory Nalanda (Project), Rajgir, Nalanda.

**....Respondents**

**By Advocate : Ms. Radhika Raman**

**O R D E R**

**Jayesh V. Bhairavia, Member (J) :** In the instant case, applicant is seeking a relief to issue directions to the respondents to consider and decide his claim for promotion to the post of Chargeman (NT/OTS) w.e.f. the date of promotion granted to his junior with all consequential benefits.

2. The learned counsel for the applicant submitted that the applicant was initially appointed as a LDC (Hindi Official Language). The applicant thereafter was promoted to the post of Supervisor Non Technical / Official Translating Section [hereinafter referred to as "NT/OTS"] in the year 2004. Subsequent to it, the applicant was transferred in the year 2008 to the Ordnance Factory Nalanda at Rajgir on the same post of Supervisor (NT/OTS). It is submitted by the counsel for the applicant that one Mr. Shyam Nandan Prasad Yadav, who was working as a LDC, was given promotion to the grade of Chargeman / Store on 25.3.2009. The said Mr. Yadav, though he had applied for the post of Supervisor he was promoted

to the post of Chargeman (Stores). The applicant was working on the post of Supervisor since 4.10.2007 and he fulfils all the eligibility conditions for the promotion to the post of Chargeman, however, his case was not considered for the promotion. The learned counsel for the applicant mainly contended that the applicant was promoted on 4.10.2007 to the post of Supervisor (NT/OTS) and his junior i.e. Mr. Shyam Nandan Prasad Yadav was promoted to the grade of Chargeman on 25.9.2009.

3. It is also stated that earlier the applicant had filed OA No. 55/2011 before this Tribunal seeking his promotion on the newly created post of Chargeman. It is pleaded that applicant had received information under the RTI Act that appointment of Shri Ramesh Kumar for the post of Supervisor prior to the applicant on 12.7.2005, was without sanctioned strength and till date it is not regularised and in spite of that the said Shri Ramesh Kumar has been considered senior to the applicant. However, since the applicant's promotion to the post of Supervisor was approved long back and was waiting for his further promotion, but the applicant is being deprived of his right for the promotion to the post of Chargeman. He had made a representation to the respondents vide Annex. A/1 dated 19.5.2014 which is pending consideration before the respondents, hence this O.A. seeking a direction to the respondents to consider and decide his case for promotion to the post of Chargeman from the date of promotion of his junior.

4. The respondents have filed their written statement contending therein that the said Shri Yadav was appointed on 25.3.2009 as a "Chargeman" on being found successful in the LDCE examination. However, since there was only one post, therefore, firstly, the highest scoring candidate Shri Rajesh Kumar was promoted on 31.12.2008 that too after diverting of post from promotion quota to LDCE quota. It is submitted that applicant does not fulfil the eligibility conditions for his promotion as Chargeman (NT/OTS) and at the same time he does not fulfil the station seniority condition which is mandatory for consideration of such promotion. The respondents have categorically submitted in the written statements that applicant stands at second position in the seniority list and at present only one post of Chargeman (NT/OTS) is vacant for promotion and this position has been communicated in reply to his representation dated 13.12.2010. It is also submitted

that his application dated 19.5.2014 is under active consideration with the Headquarters of the Indian Ordnance Factories for seeking necessary guidelines in this regard. Thus, the respondents have submitted that no discrimination, as alleged, has been made, therefore, the O.A. being devoid of merits, be dismissed.

5. We have heard the learned counsel for both sides and perused the records of the case.

6. In the present case it has been noticed from the written statement filed by the respondents and the submissions made that the claim of the applicant for consideration of his further promotion to the post of Chargeman is under active consideration before the competent authority. In this view of the matter, we are of the considered view that ends of justice would be met if the respondents are directed to consider the application / representation of the applicant, if it is pending with them. We accordingly direct the competent authority of the respondents to decide the pending representation of the applicant as expeditiously as possible, but not later than four weeks from the date of receipt of a copy of this order.

7. In view of what has been stated above, no other relief can be accorded in the present O.A., hence, this O.A. stands dismissed with no order as to costs.

**[Jayesh V. Bhairavia]**  
Member(J)

**[A. K. Upadhyay]**  
Member (A)

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