

**Central Administrative Tribunal
Principal Bench, New Delhi**

**OA No. 322/2016
with
MA No. 3171/2019**

This the 25th day of September, 2019

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

1. SK Chakravorty
S/o Late Sh. Sudhir Kumar Chakravorty
R/o T/1/201, Gulmohar Enclave, Mohan Nagar
Ghaziabad, D.O.B: 01.01.1959
2. R P Sahu
S/o Sh. Rajdhari Sahu
R/o III/DS/121, OF Estate, Muradnagar
Ghaziabad (UP) D.O.B: 15.07.1975
3. Pramod Kumar Aggarwal
S/o Sh. R N Aggarwal
R/o 60-A, Surat City, Fafrana Road, Modi Nagar
Ghaziabad (UP), D.O.B: 23.01.1974
4. Uttam Kumar
S/o Sh. Mahanand
R/o III/DS/117, OF Estate, Muradnagar
Ghaziabad (UP), D.O.B: 25.02.1972
5. Vinay Kumar Bhama
S/o Sh. Budh Prakash Bhama
R/o V/24/1, OF Estate, Muradnagar
Ghaziabad (UP), D.O.B: 01.06.1970
6. Harish Chander,
S/o Sh. Suresh Chand

R/o 983-A/30, Gali No. 3, Vikas Nagar, Kakroi Road
Sonipat. D.O.B: 12.09.1976

...Applicants

(By Advocate: Sh. U. Srivastava)

VERSUS

1. Union of India through
The Secretary
Ministry of Defence, New Delhi
2. The Secretary,
Department of Defence Production,
Ministry of Defence, New Delhi.
3. The Director General
Ordnance Factories 10-A,
SK Bose Road, Kolkata-01
4. The General Manager
Ordnance Factory, Muradnagar
Ghaziabad (UP).

...Respondents

(By Advocate: Sh. L.C. Singhi)

ORDER (Oral)

Hon'ble Mr. R.N. Singh, Member(J):

Heard the counsels for parties.

2. In the present OA, the applicants have challenged the validity of the order dated 22.12.2015 (Annexure A/1) issued by respondents by which the promotion of the applicants to the post of Junior Work Manager

(Tech/Elec), which had already been effected on 28.07.2010 has been revised and replaced by new dates with further directions that the incumbents who are already in the higher post of Junior Work Manager (JWM) and whose promotion date has been postponed as per Rule, their pay will be re-fixed in accordance with deferred date.

3. The applicants have prayed for the following reliefs:-

"(a) Directing the respondents to place the relevant records pertaining to the present O.A. before their Lordships for the proper adjudication in the matter in the interest of justice.

(b) Quash and setting aside the impugned order dt. 22.12.15 issued by the respondents by which the promotion of the applicants as Junior Work Manager (Tech./Chem) effected on 28.07.10 has been revised and proponed with the further directions that the pay of the applicants will be re-fixed as per deferred date accordingly.

(c) Directing the respondents to restore the date of promotion of the applicants as earlier w.e.f. 28.07.10 in accordance with the relevant rules and instructions on the subject accordingly.

(d) Allowing the O.A. of the applicants with all other consequential benefits and costs.

(e) Any other fit and proper relief may also be granted to the applicants."

4. In response to the notice issued by the Tribunal, the respondents have filed their reply and the applicants have filed their rejoinder.

5. When the matter was taken up for final hearing, learned counsel for the parties submits that the matter may be disposed of in terms of the order/judgment dated 04.04.2019 by the Tribunal in **OA No. 274/2016** in the matter of **Devendra Kumar & Ors. Vs. Union of India & Ors..**

Learned counsel for respondents submits that respondents have also filed MA No. 3171/2019 to this effect. However, the said MA is not on record. The same be placed on record. We have perused a copy the same, produced by the learned counsel for the respondents.

The operative portion of the order/judgment dated 04.04.2019 in **Devendra Kumar (supra)** reads as under:-

"15. Hence, we do not find any merit in the challenge made to the impugned order. However, in the circumstances and for the aforesaid reasons, the respondents are directed not to affect any recoveries in pursuance of the impugned orders of the OA, in terms of their own letter dated 25.01.2019. Accordingly, the OA is disposed of."

5. In view of the aforesaid, the instant OA is disposed of holding no merit in challenge to the impugned order dated 22.12.2015 (Annexure A/1), however with the direction to the respondents not to effect any recoveries

in pursuance of the order, impugned in OA. The OA is disposed of in terms of the aforesaid order/judgment dated 04.04.2019.

6. No order as to costs.

(Aradhana Johri)
Member (A)

(R.N. Singh)
Member (J)

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