

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.**

ORIGINAL APPLICATION NO.153/2019

, this the 25 th day of June 2019

CORAM:- R.VIJAYKUMAR, MEMBER (A)

RAVINDER KAUR, MEMBER (J)

(1) Dinesh Rawat, aged 43 years presently working as DGM in Indian Naval Armament Service, at Naval Armament Depot Karanja, Uran-400704 and residing at 536/02 Naval Station, Karanja, Uran-400704.

(2) Sanjay Kumar Dubey, aged 41 years working as DGM in Indian Naval Armament Service, at Naval Armament Depot Karanja, Uran-400704 and residing at Naval Armament Depot, Karanja, Uran-400704.

(3) Navneet Sharma, aged 42 years, working as DGM in Indian Naval Armament Service, at Naval Armament Depot Karanja, Uran-400704 and residing at B-404 Safal Residency, Sector-25, Nerul, Navi Mumbai-400706.

(4) Smt. Manisha Tiwari, aged 41 years, DGM Indian Naval Armament Service, Working at o/o Directorate of Planning and Co-ordination, "B" Block Hutment, Porta Cabin. New Delhi and residing at 648/5, 1st Floor, Vaishali Ghaziabad, Uttar Pradesh-201010.

...Applicants

(By Advocate Shri R.Ramesh)

Versus

1. Union of India, Through the Secretary, Ministry of Defence, Room No.101-A, South Block New Delhi-110001.

2. The Joint Secretary (Navy), Ministry of Defence, Government of India, Room No.198-B, South Block, New Delhi-110011.

3. The Chief of Naval Staff, Room No.191, South Block, Ministry of Defence, New Delhi-110011.

4. The Director General of Naval Armament, Integrated Headquarters, Ministry of Defence (Navy),

West Block-V, R.K.Puram, New Delhi-110066.

5. The Secretary(Personnel) Department of Personnel and Training North Block, New Delhi-110001.

6. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110069.

7. The Chief General Manager, Naval Armament Depot Gun Gate, Naval Dockyard, Mumbai-400023.

... Respondents

(By Advocate Shri V.B.Joshi for R-6)

Reserved on :- 11.06.2019

Pronounced on:- 25-06-2019

O R D E R

R. Vijaykumar, Member (A)

This application was filed on 06.02.2019 under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"a) That this Hon'ble Tribunal be pleased to hold and declare that the inaction on the part of the Respondents to convene the departmental promotion committee for consideration of the Applicants for promotion to the post of Additional General Manager in the Indian Naval Armament Services in Junior Administrative Grade (Functional) for the vacancy year 2017-2018 and 2018-2019 in accordance with the Schedule III of recruitment rules 2004 is illegal, bad in law and not sustainable in law.

b) That this Hon'ble Court be pleased to direct the Respondents to convene the departmental promotion committee in the vacancy year 2017-2018 and 2018-2019 for promotion to the Post of Additional General Manager in the Junior Administrative Grade

(Functional) in Indian Naval Armament services in accordance with the Schedule III of recruitment rules 2004 and consider the Applicants for promotion to the said post and if found fit grant the promotion to the applicants from the due date in 2017 to the said post with all consequential benefits including seniority, fixation of pay, payment of arrears on such fixation along with interest at the rate of 18% per annum on the said arrears from the due date till payment.

c) Such other and further orders be passed as the facts and circumstances of the case may require;

d) Costs of this Original Application be provided for".

2. The applicants were appointed in 2000/2001 through the UPSC in the Indian Naval Armament Service (INAS), a Group 'A' service, as Assistant Manager in the Junior Time Scale. After new Recruitment Rules were finalised for this service on 22.01.2004, the applicants were promoted as Manager (Senior Time Scale) in May, 2008 for the vacancy year 2009. Thereafter, the applicants were granted Non Functional Selection Grade (NFSG) upgradation to the grade of Junior Administrative Grade (Non-functional) with pay scale of PB-3 and GP of Rs.7,600 w.e.f. 5/6th May, 2013 and they joined accordingly with the new designation of Deputy General Manager and continue in the same position till date. Considering that they had entered the senior time scale

in May, 2008, they had completed 9 years of service in the senior time scale and therefore, were eligible for promotion as GM/Additional General Manager/Director/ Lt. Director of Naval Armaments in the Junior Administrative Grade (Functional) by promotion on selection basis w.e.f. May, 2017. They had accordingly filed individual representations in June, 2018 (Annexure-A7) and had referred to the model calendar for DPC issued by the DOP&T and regretted the delay in conduct of the DPC for the vacancy year 2017-18. This was followed by a further representation on 16.8.2018 referring to the DPCs to be conducted for the years 2017-18 and 2018-2019. However, neither reply has been received nor any orders passed or steps taken for conduct of DPC.

3. The learned counsel for the applicants was heard at the admission stage. The decision on the availability of posts in the Senior Functional position of JAG (Functional) and the administrative decisions required thereof fall within the administrative domain of the respondents. In the present case, no decision appears to have been taken or at the very least, communicated to the applicants in reply to their representations. Therefore, it is necessary for the respondents to consider the issues raised by the applicants to advise them suitably.

4. In the aforesaid circumstances, the respondents

are directed to consider the representations already made by the applicants and referred in this OA and to pass a reasoned and speaking order within three months of receipt of a certified copy of this order. No costs.

(RAVINDER KAUR)
MEMBER (J)

(R. VIJAYKUMAR)
MEMBER (A)

25/6/17

B.

SD
26/6/19

