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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.548/2017 :

Date of Decision: 11th June, 2019

CORAM: R. VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

1. Shri Abdul Wahab Khan, Age 53 years
Working as MCM in Material Organization Mumbai
Residing at 36/12, Nausena Vihar
Vidyavihar (West), Mumbai – 400 086.
2. Shri Mohammed Qamar, Age 55 yers
Working as MCM in Material Organization Mumbai
Residing at C1/404, Gagan Mukhi,
Lok Surbhi, Kalyan (West),
Thane – 421 301. ... ***Applicants***

(By Advocate Shri Phogat Daljit Singh)

Versus

1. Union of India , through
The Chief of Personnel,
Integrated Headquarters, Ministry of Defence (Navy)
'C' Wing, Sena Bhavan, New Delhi – 110 011.
2. The Admiral Superintendent,
Naval Dockyard Mumbai
Lion Gate, Mumbai – 400 023. ... ***Respondents***

(By Advocate Shri A.M. Sethna)

ORDER (ORAL)

Per : Shri R. Vijaykumar, Member (A)

This application has been filed on
06.09.2017 under Section 19 of the
Administrative Tribunals Act, 1985 seeking
the following reliefs:-

"8.1 Hon'ble Tribunal may kindly call for the record of the impugned orders dated 07.07.2017 (Annexure A-1) and direct the respondent-1 to examine the case of applicants in view of their contention made in this OA for preparation of seniority list for promotion to Chargeman and issue necessary and detail directions to respondent-2 within 02 weeks time after receipt of this Tribunal's order, providing copy to applicants as well.

8.2 Hon'ble Tribunal may kindly hold that if the respondent-1 is not agreed with the contention of applicants made in this OA then he should seek direction from the MoD by providing copy of this OA and issue detail and reasoned order to the applicants within 04 weeks time after receipt of this Tribunal's order.

8.3 Hon'ble Tribunal may kindly hold any other decision as deemed fit."

2. The applicants in this OA have also mentioned at para 4.06 that a seniority list has been prepared at Annexure A-4 which, according to the applicant, is not fair to their service and seniority. However, no challenge to this seniority list is mentioned for the purpose of seeking relief.

3. In regard to the relief claimed, learned counsel for the respondents refers to letter No.DYP/P/9798/DPC 17-18/CM/DISC dated 07.07.2017 (Annexure A-1) which reads as under:-

"ANOMALY IN SENIORITY LIST OF HSK/MCM FOR PROMOTION TO THE GRADE OF CHARGEMAN

1. Refer to the following:

- (a) HQWNC letter CS(II)/3300/IND/HSK dated 30 Mar 16(copy enclosed)
- (b) MO(Mbl) letter MOB/PAO/SRD/HOSR dated 27

Mar 17 and 15 Jun 17.

2. Shri AW Khan, Engine Fitter, T.No.57807B and Shri M. Qamar, Engine Fitter, T.No.57808H in their representation received vide your letter ibid have intimated that the seniority list prepared for promotions to the grade of Chargeman for DPC 2017-18 is totally illegal and defective and requested to review the defective seniority list for promotion to the grade of Chargeman on priority.

3. It is pertinent to mention that seniority is based on date of promotion to HSK (HSK-I/HSK-II) and has been prepared taking into consideration existing SRO and directives received vide Headquarters Western Naval Command, letter CS(II)/3300/IND/HSK dated 30 Mar 2016 and therefore the same is in order.

4. It is requested that the individuals be informed accordingly."

4. The respondents have filed their reply and alongwith their reply, they have enclosed letter No.CS(II)/3300/IND/HSK dated 30 March 2016 (Annexure R-2) which considers both the aspects on which relief and directions have been sought by the applicants. The learned counsel for respondents argues that the rejoinder was filed subsequently duly noting their reply and no attempt has been made to modify this OA so as to seek specific relief in regard to the seniority list.

5. It is also noticed by reference to the OA and reliefs claimed that even the impugned orders have not been challenged but only seek a reconsideration of this order by reference to higher levels in Government.

6. During arguments, learned counsel for the applicants makes it clear that as a result of the preparation of a seniority list by the respondents, erstwhile juniors who were then in the post of HSK-I, were placed above the applicants who were earlier promoted to the post of Master Craftsman (MCM) which bears a pay scale similar to that of Chargeman which is in the promotional line for this cadre. Unfortunately, as formulated, this OA does not challenge this critical aspect of the grievance of the applicant. Learned counsel for the respondents further submits that the Recruitment Rules have still not been incorporated with provisions for providing a promotional line for the post of Master Craftsman through the post of Chargeman although he also recognises the fact that the grade pay for the post of Mastercraftsman is the same as the post of Chargeman.

7. The matter has been carefully heard and perused the pleadings on record.

8. As the OA presently stands, no further action or reliefs are available for the

applicants considering the matter in which the OA has been formulated.

9. In the circumstances, the Original Application is dismissed without any order as to costs.

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

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JP
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