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**CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, CAMP AT NAGPUR**

**ORIGINAL APPLICATION No.2165 of 2019**

Dated this Thursday, the 25<sup>th</sup> day of July, 2019

**CORAM : R.VIJAYKUMAR, MEMBER (A)  
R.N.SINGH, MEMBER (J)**

Kuldeep Raj S/o Sodagar Mal, Aged 58 years,  
Occupation : Service, R/o Qtr No.143, Type III,  
New C.P.W.D. Colony, Seminary Hills, Nagpur 440 006. - Applicant  
(By Advocate Shri A.R.Ingole)

**VERSUS**

1. Union of India, Through its Secretary,  
Ministry of Labour, Government of India, New Delhi - 01.
2. Central Board for Workers Education, Near V.N.I.T, Nagpur  
through its Director.
3. Shri Hemant G. Purohit, Aged Major, Occupation : Service,  
R/o C/o Central Board for Workers Education,  
Near V.N.I.T. Nagpur. - Respondents

**ORAL ORDER**

**Per : R.Vijaykumar, Member (Administrative)**

This OA has been filed on 22.07.2019  
under Section 19 of the Administrative  
Tribunals Act, 1985 seeking the following  
reliefs:-

“8(A). Quash and set aside the impugned order dated 10/14<sup>th</sup> May 2019 passed by the respondent No.2 (Annexure A-1) and upon quashing the same direct the respondent No.2 to consider the applicant for promotion to the vacant post of Assistant Director, C.B.W.E. Nagpur.

8(B). Further quash and set aside the impugned office order dated 26.04.2016 issued by the Respondent No.2 promoting the Respondent No.3 to the post of Assistant Director (Annexure A5) to the applicant;

8(B). By an appropriate order or direction direct the respondent nos.1 and 2 to consider the claim of applicant for promotion to the vacant post of Assistant Director, C.B.W.E., Nagpur.

8(C). Grant any other relief, as may be deemed just and proper, in the facts and circumstances of this case, to the Applicant, in the interest of justice."

2. This is the second round of litigation and following the direction to the respondents issued in OA No.426/2016 filed by the applicant, the Respondents have passed the impugned order dated 10<sup>th</sup>/14<sup>th</sup> May, 2019. The applicant who was employed as Senior Clerk at the Head Office of the respondents, in this OA contends that in the DPC held by the respondents then wrongly promoted as Stenographer Grade I in April 2016 whereas the said promotee was not qualified and the applicant should have been listed senior to him to the post of Assistant Director. He has furnished various arguments in this matter questioning the impugned order passed by the respondents in order No.A-20012/79/PF/2012/793 dated 14.05.2019. While perusing the record it is seen that the respondents had issued the seniority list on 19.03.2015 for the grades of Stenographers Grade I and Grade II, Senior Clerk, Statistical Assistant and Technical Assistant. In this applicant has

been placed on PB-I with Grade Pay of Rs.2,800/- and the respondent No.3 who was promoted as Assistant Director was then placed in the scale of PB-II with Grade Pay of Rs.4,600/- and therefore, on the face of it, the application in an attempt to mislead the Tribunal and abuse the process of the Tribunal has filed the previous OA and despite that the respondents have taken a trouble in passing of the impugned order on his representation dated 26.01.2016 and in compliance of the direction of the Tribunal.

3. In these circumstances, the OA is entirely devoid of any merit and the applicant should not be allowed for the needless litigations. Accordingly the OA is dismissed.

4. In the facts and circumstances, the applicant is held liable to pay a cost of Rs.5,000/- payable to the Respondent No.2 within a period of eight weeks from the date of receipt of certified copy of this order.

(R.N.Singh)  
Member (Judicial)

(R.Vijaykumar)  
Member (Administrative)

kmg\*

JD  
31/1/19

