
(1999) 04 PAT CK 0002
In the Patna High Court
Case No : C.W.J.C. No. 2182 of 1992 (R)

Nani Gopal Maji

APPELLANT

Vs

Steel Authority of India and Others

RESPONDENT

Date of Decision : 29-04-1999

Acts Referred:

Citation : (1999) 2 PLJR 671

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : A.K. Sinha and R. Krishna, for the Appellant; M.M. Banerjee and S.K. Laik, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—In these two writ application the Petitioner have prayed for quashing the order dated 15.6.99 issued by the Respondent by which Respondent No. 5 has been promoted to the post of Senior Programmer and also for quashing the order dated 9.1.92 by which the representation filed by the Petitioner has been rejected.

2. The case of the Petitioner, C.V. Francis in CWJC No. 2552/92R is that he was appointed in 1973 on the post of Junior Statistical Assistant and subsequently to the post of Statistical Assistant sometimes in the year, 1976 and later on promoted to the post of senior Statistical Assistant in November, 1979. It is stated that on 7.2.80 an internal circular was issued for the post of Assistant Programmer (Executive Grade I) in which certain qualification was laid down. The Petitioner having all the requisite qualification applied along with 350 persons for the post of Assistant Programmer. The Petitioner and other three persons were selected to the post of Assistant Programmer and accordingly letter of appointment was issued on 3.4.81. The Petitioner, after completing the training, was regularly appointed on the said post vide letter dated 3.7.82. The Petitioner C.V. Francis's further case is that in the year, 1986 he was promoted to the post of Programmer (E-II grade) which was communicated vide letter dated 12.5.86

and further promotion was given to him to the post of Senior Programmer with effect from 30.6.91.

3. Similarly, the case of the Petitioner, Nani Gopal Maji in CWJC No. 2182/92R is that he was appointed as fitter on 25.3.72 and promoted to the post of Construction Supervisor Grade-III sometimes in June, 1973. He was then transferred to Work Division sometimes in the year, 1975 on the equivalent post of Construction Supervisor, Grade-III. Thereafter the Petitioner was promoted to the post of Charge-man grade-II in the year, 1978 and then charge-man grade I in the year, 1983. Petitioner's further case is that Respondent No. 5 was appointed to the post of Assistant Programmer on 7.2.83 and he was regularised to the said post on 30.7.84. The Petitioner N.G. Manji, therefore, claimed that he is senior to Respondent No. 5 not only in non-executive cadre also in Executive Cadre as per the merit list.

4. On the other hand, the case of the Respondent-management is that Respondent No. 5 joined as Construction Supervisor Grade III on 20.1.72 whereas the Petitioners joined the equivalent post in Bokaro Steel Ltd. on 30.11.73. Respondent No. 5 was then promoted to the post of Construction Supervisor Grade II on 2.5.75 whereas Petitioner C.V. Francis got equivalent grade on 1.3.77. During the year, 1976 Respondent No. 5 had been sent by the Company to U.S.S.R. for training, and thus he was deprived of the opportunity of any promotion during the training period. As such, the contention of the Petitioner that he was senior to Respondent No. 5, is not correct. It is further stated that, one Sri B.K. Ghosh was promoted in the executive cadre in project division and Respondent No. 5 being aggrieved, with the promotion of said B.K. Ghosh had filed a writ petition before this Court being CWJC No. 32/82R making grievances that he was not considered for promotion during his stay in U.S.S.R. and, therefore, he should be declared senior to the persons next below him at the relevant time.

5. I have heard Mr. A.K. Sinha, learned Counsel appearing on behalf of the Petitioners and Mr. M.M. Banerjee, learned Counsel appearing on behalf of the Respondents.

6. It is not disputed by the Petitioners that Respondent No. 5 joined as Construction Supervisor in the year, 1972 while the Petitioner came in service thereafter. It is also not disputed that Respondent No. 5 was promoted to the cadre of Construction Supervisor grade II in 1977 whereas the Petitioners got the equivalent grade in 1977. In the year, 1976 Respondent No. 5 was sent to U.S.S.R. by the Company for training and after returning back he filed a writ petition claiming his seniority over the persons below him. The writ application filed by Respondent No. 5 and other various persons claiming the same relief was disposed of by this Court in terms of judgment dated 26.4.89. This Court after considering the entire facts and circumstances of the case came to the conclusion that the Petitioner of that writ petition was entitled to get their due seniority and, therefore, a direction was, issued to Respondent 1 and 2 to grant

them suitable promotion and to place them above other persons. Having regard to the aforesaid facts, it is clear that it is not a case where the Respondent No. 5 was appointed much after the Petitioner rather, it is a case where the Respondent No. 5 came in service before the Petitioner and he was promoted to the equivalent grade before the Petitioner were promoted. A comparative chart has been given in para 9 of the counter affidavit from which it appears that the claim of Respondent No. 5 seeking his seniority and promotion was genuine and, therefore, this Court granted him seniority and promotion with due date. The Respondent-authorities have rightly held that Respondent No. 5 was promoted to E-III grade with effect from 1989 which was the due date of his promotion while the Petitioner, C.V. Francis was promoted to this grade with effect from 1991 as per the recommendations of the Departmental Promotion Committee.

7. After having gone through the entire facts and circumstances of the case and after hearing the learned Counsels for the parties and also in view of the discussions made above, I am not inclined to interfere with the impugned orders. The writ applications are, accordingly, dismissed.