

(2013) 04 JH CK 0141
In the Jharkhand High Court
Case No : WP (S) No. 5641 of 2002

Ramashis Singh

APPELLANT

Vs

Steel Authority of India Limited and Others

RESPONDENT

Date of Decision : 12-04-2013

Acts Referred:

Citation : (2013) 2 JLJR 514

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : A.K. Sahani, for the Appellant; G.M. Mishra and Umesh Mishra, for the Respondent

Final Decision : Dismissed

Judgement

S. Chandrashekhar, J.—The petitioner has moved this Court seeking quashing of order dated 17.9.2001, whereby the representation of the petitioner has been rejected and for a direction for consideration of his case for promotion and consequential benefits from the date his juniors were granted such benefits. The brief facts of this case are that the petitioner was initially appointed on the post of Laboratory Assistant, Grade-I in the Construction Wing of Bokaro Steel Plant on 8.4.1971. The petitioner was promoted on 15.7.1974 to the post of Senior Laboratory Assistant, Grade-I (P-6). Thereafter, on 23.3.1997 the petitioner was appointed as Fuel Technical, Grade-III in Energy and Economy Department of Operation Wing. It is the case of the petitioner that the persons junior to him were granted promotion ignoring the claim of the petitioner. Therefore, the petitioner approached this Court in CWJC No. 2785 of 1999(R). The writ petition was disposed of with a direction to the respondent No. 3 to decide the case of the petitioner, if juniors to him were promoted to the higher grade-after 1.1.1996. The representation of the petitioner was disposed of by respondent No. 3 on 17.9.2001. Still aggrieved, the petitioner made a representation to the respondent No. 3 which is stated to have been rejected in view of order dated 17.9.2001. In these facts the petitioner has approached this Court.

2. A counter affidavit has been filed in which it is stated that the representation of the petitioner was examined in the light of order dated 28.3.2001 passed by this Hon'ble Court in CWJC No. 2785 of 1999(R) and the plea of the petitioner that two persons junior to him were granted promotion has been considered and found not tenable. There is a separate line of promotion in the different wings under Operation/Division/Works of the respondent-company. The employee transferred from one division to another division in the non-executive cadre may at times get promotion in his line of promotion early because of the appointment in the department. The inter se seniority between two employees working in two different wings/department cannot be compared because of different line of promotion in the respective department/wing. It has further been stated that in the D.P.C. the case of the petitioner was considered and the petitioner was not found suitable.

3. A supplementary counter-affidavit has been filed in which criteria for selection as well as a chart indicating the marks assigned to the persons who were considered in the D.P.C., has been brought on record.

4. Heard learned counsel for the parties at length and perused the documents on record.

5. Learned counsel for the petitioner has submitted that it is not disputed that the petitioner is senior to Sri D. Bandyopadhyaya and Sri L.K. Sinha. However, they have been granted promotion and the claim of the petitioner has been ignored. He has further submitted that even the documents produced by the respondents would disclose that these two persons were not in fact eligible, in terms of the length of service, the day on which they have been granted promotion and therefore, the petitioner has been discriminated by the respondents. Resisting the claim of the petitioner, learned counsel appearing for the respondents has contended that there is huge gap between the marks obtained by the petitioner and other two candidates Sri D. Bandyopadhyaya and Sri L.K. Sinha in D.P.C. and even if the petitioner is awarded the maximum mark which can be given to a person on account of length of service, the petitioner would not get more marks than these two persons.

6. From the supplementary counter-affidavit filed on behalf of the respondents, I gather that the respondents took a decision that the eligible persons would be selected on the basis of qualification, performance and length of service and they would be interviewed by a High Level Selection Committee which would award marks for interview also. The eligibility criteria for calling candidates for Interview was fixed as under:--

4. The eligibility for calling candidates for interview will be determined in the following manner:

(a) Minimum of 7 years of service in the regular grades of L8/L9 for qualified engineers, 9 years service in the regular grades of L8/L9 for B.Sc./Diploma Holders and a minimum of 11 years service in the regular grades of L8/L9 for

matriculates and Matriculates with ITI qualification.

(b) Consecutive "good", or better ratings in the 3 years preceding the date of consideration.

(c) Suitable weightage to qualification levels.

7. The criteria for selection has been prescribed as under:--

CRITERIA FOR SELECTION PERFORMANCE

LENGTH OF SERVICE

3 marks for each completed year of service spent in excess to the eligibility period in the grades prescribed subject to a maximum of 15 marks i.e. if a B.Sc./ Diploma Holder has spent 11 years in L8/L9 he will be awarded $(11-9) \times 3 = 6$ marks.

From the chart submitted by the respondents, I find that Sri D. Bandyopadhyaya has been awarded 88 marks and Sri L.K. Sinha has been awarded 89 marks, whereas the petitioner has been awarded only 49 marks. Therefore, even if the contention of the learned counsel for the petitioner with respect to award of marks on account of length of service is accepted, the petitioner would not compete with other two persons. Moreover, as the petitioner has not been found suitable for promotion in the D.P.C., I am of the opinion that no relief can be granted to the petitioner and accordingly, the writ petition is dismissed.