

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.2248 of 2015

(Ashok Sawaji Chaware .vs. Union of India, Ministry of Defence, New Delhi and Ors.)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr.R.L.Khapre, Adv. for the petitioner.

CORAM : B.P.DHARMADHIKARI &
 S.B.SHUKRE, JJ.

DATE : 6.5.2015.

Heard.

Submission is – post of Chargeman (Grade II) stands automatically created in view of paragraph 3.3 of Instruction No.6, dt.18.4.1981.

After hearing, we find that the petitioner approached Central Administrative Tribunal against the order dt.27.12.2010 rejecting his representation and declining him promotion to the post of Chargeman (Grade II) (Data Processing Staff). The C.A.T. has in its order referred to that post as “CM (DPS)”. After considering the rival arguments, the CAT has in paragraph no.12 found that there was no sanctioned post of CM (DPS) at Ordinance factory, Bhandara and though the applicant/petitioner was posted in Computer Section, said unit was not covered under Instruction dt.18.4.1981. It has further found that the applicant/petitioner did not approach it with clean hands as he suppressed the fact of his promotion to the post of Chargeman (Grade II)(Technical) and thereafter, as

Assistant Foreman (Technical/Mechanical). Even in paragraph no.28, the CAT has found that the petitioner was subsequently considered for promotion on technical side and he is presently working as Assistant Foreman. It was subsequently merged with JWM (Technical/Mechanical) and is treated as Group 'B' Gazetted post.

If these findings are to be assailed, the petitioner ought to have raised a specific ground. The petition does not show a contention that the post of CM (DPS) is automatically created because of guidelines dt.18.4.1981.

In this situation, we do not find any merit in the challenge. Hence, the Writ Petition is rejected. No costs.

JUDGE

JUDGE

**jaiswal*