

Ramesh Kumar Gupta Vs The Employer in relation to the Management of Regional Workshop of CCL and Others

Court: Jharkhand High Court

Date of Decision: Nov. 3, 2003

Acts Referred: Constitution of India, 1950 " Article 226, 227

Citation: (2004) 2 JCR 285

Hon'ble Judges: Amareshwar Sahay, J

Bench: Single Bench

Advocate: A.N. Deo, for the Appellant; A. Sen, for the Respondent

Final Decision: Dismissed

Judgement

Amareshwar Sahay, J.

In this writ application, the petitioner has challenged the award dated 23.4.1997 of the Central Government,

Industrial Tribunal, Dhanbad, whereby the Tribunal held that the action of the Management of Regional Workshop, Bhurkunda of Central Coal

Fields Ltd in denying promotion to Ramesh Kumar Gupta (Petitioner) as Assistant Store Keeper w.e.f. 23.12.1982 is quite justified and the

workman is not entitled for the relief as claimed.

2. The facts which are not disputed are that the writ petitioner was appointed as General Mazdoor Cat.-1, on compassionate ground on account

of death of his father, who died in harness. The petitioner joined the service w.e.f. 23.12.1982 as General Mazdoor Cat I, whereas the two other

workmen namely S.N. Sinha and B.N. Pandey (respondents Nos. 4 and 5 herein) joined the service in October, 1982 i.e. prior to the petitioner

and that also after they were selected and appointed after following due procedure.

3. It is also not in dispute that in the year 1993, a meeting of Departmental Promotion Committee was held and in the interview, the petitioner, as

well as the two other workmen i.e. respondents No. 4 and 5 S.N. Sinha and B.N. Pandey appeared but the petitioner was not selected by the

D.P.C. whereas, the respondents No. 4 and 5 were selected and promoted to the post of Assistant Store Keepers.

4. The case of the petitioner is that since the date of his joining i.e. 23.12.1982, he was allowed to work as Assistant Store Keeper as he was

qualified and competent whereas the respondents Nos. 4 and 5 who were General Mazdoor and Black Smith and had no experience about the

working of Assistant Store Keeper, even then he was not promoted as Assistant Storekeeper but the respondents Nos. 4 and 5 were favoured

with such promotions, therefore, he has been discriminated.

5. The case of the Management is that after the death of the father of the petitioner, he was appointed on compassionate ground as General

Mazdoor Cat. I and was posted in the Stores of Regional Workshops, Bhurkunda to work as General Mazdoor in the said store. He never

worked, nor the Management of Regional Workshop Bhurkunda even directed/instructed him to work as Assistant Store Keeper.

6. It is further said that pursuant to the advertisement in 1984 for filling up the vacant posts of the Assistant Store keeper in all the collieries of the

C.C.L. Barkakana Area, the petitioner applied and appeared in the written examination conducted by Area Head Quarters C.C.L. Barkakana but

the petitioner failed in the said written examination and only those employees who passed in the said examination were selected.

7. However the respondent Nos. 4 and 5 were senior to the petitioner and they were appointed in regular course and they were selected for

promotion as Assistant Store Keeper after they were recommended by the D.P.C. after the interview, whereas though the petitioner appeared

before the D.P.C. but he was not selected.

8. Since the matter of promotion is not a matter of right of any employee and therefore, the petitioner is not entitled to any relief.

9. I have carefully gone through the impugned award and I find that the following finding of facts have been arrived by the Tribunal on appreciation

of evidence.

(i) that the workman has claimed promotion from the year 1983, when the two other workmen were given promotion, whereas the reference was

made in the year 1990 i.e. after a delay of four years therefore it was a stale claim,

(ii) Ext. W-1 series and Ext. W-2 relate to the period of 1985 to show that the workman had received some materials and issued the materials,

whereas his claim for promotion is from 23.12.1982, on which he joined his service that too simply on compassionate ground.

(iii) it is not a case that a Junior co-workers to the workmen were given promotion and he was denied promotion, rather they were seniors to the

workman.

(iv) the action of the workman was ridiculous as he refused to join Grade III clerk on promotion in the year 1985 offered to him by the

Management.

10. After the above finding of facts, the learned Tribunal held that action of the Management in denying promotion to the petitioner w.e.f.

23.12.1982 as Assistant Store Keeper was quite justified and the petitioner was not entitled to any relief.

11. The learned counsel for the petitioner has failed to point out any illegality or perversity in the impugned award.

12. It is well settled law now that the scope of interference by the High Court under Article 227 against an award of the Labour Court or Tribunal

is very limited one and the finding of facts arrived at on appreciation of evidence by the Labour Court cannot be interfered with howsoever grave it

may be.

13. In that view of the matter. I do not find any reason to interfere with the impugned award. Accordingly this writ application is dismissed. No

costs.