IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2763 OF 2023

1] Shri Shripad Dwarkanath Gupte/ Age 61 years, Retired as Foreman (ICE Fitter) from Naval Dockyard Mumbai and Resident of B007, Narmada CHS Ltd., River Park, Rawalpada, Dahisar (East) Mumbai – 400 068

2] Shri Kandregula Santosh Kumar/ Age 40 years, Working as Chargeman (Ship Fitter) in Naval Dockyard Mumbai and Residing at D/902, Patel Elysium, Pale, Ambernath (E), Dist. Thane Maharashtra – 421501

3] Shri Sudhkara Varma Sagi / Age 39 years, Working as Chargeman (Ship Fitter) in Naval Dockyard Mumbai and Residing at Anmol Garden, Building No. 8/ `A' Wing, Flat No.105, Hajimali Road, Kalyan (E), Maharashtra 421306

4] Shri Lingaraj Panda / Age 41 years, Working as Chargeman (Ship Fitter) in Naval Dockyard Mumbai and Residing at H/13, NCH Colony, Kanjurmarg (West) Mumbai – 400 078

5] Shri Satyavijay Dhondu Gawade / Age 57 years, Working as Foreman (Weapon Fitter) in Naval Dockyard Mumbai and Residing at 202 / Aai Nagar, Kalwa (W), Dist Thane, Maharashtra-400605.

6] Shri TG Pradhan / Age 43 years]
Working as Chargeman (Machinist) in]
Naval Dockyard Mumbai and Residing at]
205/11, NCH Colony, Kanjurmarg (W)]
Mumbai – 400078]
]

7] Shri K Das / Age 42 years]
Working as Chargeman (Machinist) in]
Naval Dockyard Mumbai and Residing at]
O/31, NCH Colony, Kanjurmarg (W),]
Mumbai 400078]
]

8] Shri Kodamagulla Raghu / Age 42]
Years, Working as HSK-I (GT Fitter) in]
Naval Dockyard Mumbai and Residing at]
A-201, Mauli Apartment, Plot No. 07]
Sector – 9, Kamote, Navi Mumbai -]
410209]
]

9] Shri R Venugopal / Age 53 years]
Working as Foreman (GT Fitter) in Naval]
Dockyard Mumbai and Residing at]
233/B-6, NCH Colony, Kanjurmarg (W)]
Mumbai – 400078]
]

10] Shri Sudhakar Rambhau Avate /]
Age 57 years, Working as Foreman (Ship]
Fitter) in Naval Dockyard Mumbai and]
Residing at 204 / Michel Plaza, Behind]
SK Rai College, P. L. Lokhande Marg]
Chembur (East), Mumbai 400089]
]

11] Shri Dhirendra Kumar / Age 43]
years, Working as HSK-I (GT Fitter) in]
Naval Dockyard Mumbai and Residing at]
House No.1076, Kegaon (Vinayar),]
Taluka Uran, Dist. Raigad, Navi Mumbai]
- 4000702]

]

12] Shri Bimalananda Parija / Age 51 years, Working as Foreman (GT Fitter) in Naval Dockyard Mumbai and Residing at B-201, Mauli Apartment, Sector – 9 Kamothe, Navi Mumbai – 410209]

13] Shri Dayanand Hanmant Shirke / Age 51 years, Working as Foreman (GT Fitter) in Naval Dockyard Mumbai and Residing at B-206, Mauli Apartment, Sector-9, Kamothe, Navi Mumbai - 410209 (Original Application No.93 of 2017)]

14] Shri Mohan R Chaudhari / Age 35 years, Working as Worker (HSK-II) in Naval Dockyard Mumbai and Residing at B-2/123, Umiya Comlex – Phase-II, Ganpati Mandir Road, Titwala, Thane – 421605]

15] Shri Kiran R Patel / Age 61 years Retired as Foreman in Naval Dockyard Mumbai and Residing at Kherwadi Pipe Line, Plot No.131, Dayma Road, Bandra (East), Mumbai – 400 023]

16] Shri Prasanjeet Sahu / Age 39 years Working as Worker (HSK-I) in Naval Dockyard Mumbai and Residing at 1638/43, Sector – 7, CGS Quarters, Antop Hill, Mumbai – 400037]

17] Shri Santosh Behera / Age 33 years Working as Worker (HSK-II) in Naval Dockyard Mumbai and Residing at 504 / R-5, MMRDA Project, Subhas Nagar,]

Nahur (West), Mumbai – 400 078]

18] Shri Manoj V. Savakare / Age 37]
Working as Worker (HSK-I) in Naval]
Dockyard Mumbai and Residing at 01 /]
Moon Apartment, At Post Nearl, Tal.]
Karjat – Maharashtra – 410101]
]

19] Shri Sachin Kumar R Dixit / Age]
39 years, Working as worker (HSK-II) in]
Naval Dockyard Mumbai and Residing at]
Room No.56, 2/3, Dr. Ambedkar Nagar,]
Vidya Vihar Road, Kurla (West),]
Mumbai – 400070]
]

20] Shri Milind N Prabhu / Age 59]
years, Working as Foreman in Naval]
Dockyard Mumbai and Residing at B-]
503/ Bheem, M.L. Complex, Anand]
Nagar, Dahisar (East), Mumbai – 400068]
]

21] Shri Rajeev Kumar / Age 35 years]
Working as worker (HSK-II) in Naval]
Dockyard Mumbai and Residing at Room]
No.203, Sai Prasad, Atali, Ambivli]
(West), Thane – 421102.]
]

22] Shri Vikash Mehra / Age 36 years]
Working as Worker (HSK-II) in Naval]
Dockyard Mumbai and Residing at]
5444/148, Sector-7, CGS Quarters]
Antop Hill, Mumbai – 400037]
]

23] Shri Ramchandra Hansdah / Age]
36 years Working as Worker (HSK-II) in]
Naval Dockyard Mumbai Residing at B-9]
/Nav-Arpan, Rameshwadi Kulgaon]
Badlapur (West), Thane 421503]

]

24] Shri SD Mohite / Age 34 years]
Working as Worker (HSK-II) in Naval]
Dockyard Mumbai and Residing at]
B/11/63, MHB Colony, Dnyaneshwar]
Nagar, Sewree, Mumbai – 400031]
]

25] Shri SN Malusare / Age 38 years]
Working as Worker (HSK-II) in Naval]
Dockyard Mumbai and Residing at]
201/Classik Avanue, B-Wing, Uran,]
Dist. Raigad, Maharashtra-400702]
]…. Petitioners.

(Original Application No.497 of 2017)]

Vs.

1] Union of India through]
The Flag Officer Commanding-in-Chief]
Headquarters, Western Naval Command]
Tiger Gate, Naval Dockyard Mumbai]
Mumbai – 400001]
]

2] The Admiral Superintendent,]
Naval Dockyard Mumbai]
Lion Gate, Mumbai – 400023]
]

3] Rajendra Kumar Singh]
General Secretary]
Naval Employees Union]
Having its office at Room No.8, 4th floor]
Kamla CHS Ltd. Mint Road,]
Fort Mumbai – 400067]...Respondents

Mr. Vicky Nagrani for the Petitioners.
Mr. R. R. Shetty a/w Mr. Rui Rodrigues for Respondent Nos.1 and 2.
Mr. Anurag R. Saxena for Respondent No.3.

CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.
Reserved on : 18th March 2024
Pronounced on : 10th May 2024.

JUDGMENT : (PER ARIF S. DOCTOR, J.)

1. The challenge in the present Writ Petition is to the common judgement and order of the Central Administrative Tribunal, Mumbai (Tribunal) dated 21st December, 2022 by which Original Application Nos. 93 of 2017 and 497 of 2017 came to be dismissed.

A Brief Background

2. The Petitioners who were the Applicants before the Tribunal are stated to be working as Artisan Staff in the following grades i.e. Highly Skilled Grade- II (HSK-II), High Skilled Grade-I (HSK-I) and Chargeman and Foreman in the Technical

Supervisory Staff of Indian Navy carrying out the work involved in repair and maintenance of Navy Ships and Submarines. The staff for said works are allotted by Respondent No. 2 from the total sanctioned strength and workload required in each trade.

3. The Ministry of Defence (MoD) had vide its order dated 21st September 1982 created a grade of Master Craftsman in each trade of the relevant defence establishments. The said order *inter alia* provided that (i) the number of posts of Master Craftsman shall be upto 10% of total number of sanctioned posts in HSK-I in each organization (ii) the procedure for selection to the grade of Master Craftsman and (iii) constitution of a Departmental Selection Committee.

4. The MoD thereafter in the year 2010 as a one-time measure vide an Office Memorandum dated 14th June, 2010 ("the said OM") restructured and reorganized the total cadre of Artisan Staff from 1st January, 2006 to 14th June, 2010 from a three grade structure to a four grade structure i.e.

(i) Skilled,

(ii) HSK-II,

(iii) HSK-I, and

(iv) Master Craftsman.

The Artisan Staff were also given the benefit of promotion to all revised grades in relaxation of conditions for promotion.

5. The MoD then vide Operative Instructions dated 25th June 2012 in order to implement the said OM issued revised ratio of different grades in Industrial Trades. The said Operative Instructions also stated that HSK-I shall be en-bloc senior to HSK-II and separate trade-wise seniority list shall be prepared for HSK-II and HSK-I and same shall be circulated to all concerned authorities.

6. However, post the aforesaid restructuring, it is the Petitioners' contention that viz.

i. Promotions of the Technical Supervisors i.e. those working as Chargeman and Foreman have been carried out as per the trade-wise seniority roster maintaining the sanctioned ratio within grade, whereas the promotions of the Artisan Staff i.e. those working as HSK-II, HSK-I and Master Craftsman have been carried out as per the combined seniority roster of Artisan Staff, pertaining to all the trades, which has resulted in non – availability and/or insufficient number of posts of Master Craftsman in a few grades for promotion to the next higher grade of Chargeman.

ii. Therefore a few of the Petitioners had been promoted directly from HSK – I to Chargeman bypassing the next promotion to Master Craftsman, the effect of which was to deprive them of the loss of one increment which they could have earned through pay fixation, had they been promoted first from HSK-I to Master Craftsman.

7. The Petitioners are thereafter stated to have made representations to Respondent No. 2 *inter alia* seeking that the said OM be strictly followed i.e. to carry out the promotions of Artisan Staff as per the trade-wise seniority roster. The said representations however came to be rejected vide an order dated 10th March 2017 which *inter alia* held that the promotions made by combined seniority roster were valid. Respondent No.2 thereafter based on recommendations of Departmental Promotion Committee issued Panel of Promotion of proposed promotees vide circular dated 29th March 2017. Respondent No. 2 on 29th May 2017 issued orders of promotions according to Panel of Promotions.

8. It was in the aforesaid backdrop that Original Applications No.93 of 2017 and 497 of 2017 came to be filed before Tribunal *inter alia* seeking fixation of seniority trade-wise in each trade, and to quash and set aside (a) order dated 10th March 2017, (b) promotions panel dated 29th March 2017 (c) promotion orders dated 29th May 2017.

9. The aforesaid Original Applications came to be dismissed by the Tribunal by the Impugned Order. It is thus that the present Writ Petition came to be filed.

Submissions of Mr. Nagrani on behalf of the Petitioners

10. Mr. Nagrani, Learned Counsel appearing on behalf of the Petitioners, at the outset submitted that the promotion for the post of Master Craftsman had been carried out on the basis of grade-wise combined seniority list from year 1935 upto 1st January 2006. He submitted that Respondent No.2 had been carrying out promotion of Artisan Staff grade-wise until 1st January 2006.

11. Mr. Nagrani then pointed out that even out of the 4 major units of the Western Command Mumbai i.e. Respondent No. 2 (Naval Dockyard, Mumbai), Naval Armament Depot Mumbai, Naval Material Organization Mumbai, Naval Ship Repair Yard- Karwar, 3 of them at all times maintained a trade-wise seniority list for promotions of the Artisan Staff except

Respondent No. 2. He submitted that promotion to the post of Master Craftsman was more justified trade-wise and not grade-wise since the work involved was physical work in the respective vocational trades unlike the work done by the Technical Staff (Chargeman/Foreman), which was in the nature of only supervisory and detailing work.

12. Mr. Nagrani submitted that on account of the restructuring undertaken by Respondent No. 2 there was non-availability or insufficient number of posts of 'Master Craftsman' in certain trades which resulted in the promotion in certain trades from HSK-I to Chargeman by bypassing the post of Master Craftsman. He submitted that this had resulted in some of the Petitioners being deprived of the benefit of one promotion and an additional increment of 3% which the Petitioners would have earned through their pay fixation had they been promoted trade-wise and not grade-wise. He pointed out that grade-wise seniority roaster maintained for Artisan Staff had resulted in

discrimination between employees working as Artisan Staff in same trade.

13. Mr. Nagrani then pointed out that the order of the MoD dated 21st September 1982 provided that the number of post of Master Craftsman would be upto 10% in each trade. He submitted that the same was subsequently vide a letter dated 20th May 2003 increased to 25% in each trade and that the same ratio was maintained even in the said OM dated 14th June 2010. He submitted that the number of posts of Master Craftsman, in each trade should not be maintained uniformly i.e. by way of a fixed percentage in each trade but should be maintained on the basis of a separate trade wise seniority list.

14. Mr. Nagrani submitted that once the Integrated Headquarters of Indian Navy had vide letter dated 25th June 2012 and 20th November 2015 issued Operative Instructions based on the said OM dated 14th June 2010, Respondent No.2 had no right to interpret the OM in the manner that had been so

done, i.e. promoting the Artisan Staff vide grade-wise seniority roster instead of trade wise seniority roster.

15. Mr. Nagrani then pointed out that an application which was filed by the Material Organisation under Western Naval command seeking to fix seniority for promotion of all trades grade-wise i.e. by combining all trades was rejected by the Tribunal. He submitted that absent such special power/delegation Respondent No.2 could not have done so for only following grade wise seniority to promote Artisan Staff. He pointed out that the Material Organization Mumbai was following departmental promotion trade-wise from last five years on the basis of the same Operative Instructions of 25th June 2012, but similar action was not taken by Respondent No.2. He thus submitted that it was incumbent upon the Respondents to show that the Competent Authority had granted a special power to them to follow different principles for promotion in the different units.

16. He then invited our attention to the said Operative Instructions dated 25th June, 2012 and pointed out the following, viz.

i. that paragraph 3(aa) of the same made clear that commands should work out a trade-wise integrated ratio.

ii. That in case of non-viable trades having meagre number of workers (less than 5) those trades were to be grouped together and a viable ratio was to be achieved and made clear that in cases where there were more than 5 workers in a particular trade the said trades were to be grouped together to maintain their seniority and intergrade ratio.

iii. That paragraph 3(aa) had to be read harmoniously with paragraph 3(ee) of the Operative Instructions dated 25th June 2012 which clearly stated that a

separate trade-wise seniority list shall be prepared for HSK-I and HSK-II.

iv. That paragraph 7 clearly provided that all Commands were to implement Operative Instructions uniformly.

17. Mr. Nagrani thus submitted that the Tribunal had therefore plainly erred in holding that the said Operative Instructions were merely for Industrial staff and not for Artisan Staff. He submitted that it was clear that Industrial and Artisan Staff were one and the same. He submitted that the Respondents' contention that the term 'Industrial Staff' in Para 41 of the Impugned Order was 'Technical Supervisor' and the same was typographical error was plainly misconceived.

18. Mr. Nagrani then pointed out that different trades necessarily have and/or require different expertise and thus seniority of different trades cannot be combined together and

the promotion cannot be granted on such grade-wise basis, as it would effectively result into treating unequals equally.

19. He thus submitted that the finding of the Tribunal that the Operative Instructions only mentioned restructuring of Artisan Staff and it did not provide for creating trade-wise seniority was plainly incorrect since no trade-wise restructuring was possible without forming a trade-wise seniority list.

20. He then, without prejudice to the above, submitted that the Tribunal had wrongly dismissed the OAs on the additional ground of delay and latches. He pointed out that the Petitioners' representation was disposed of on 16th September 2016 and that OA No. 93/2017 and OA No. 497/2017 were filed on 23rd January 2017 and 10th August 2017, respectively. He thus submitted that there was no delay since as per Section 21 of the Central Administrative Tribunal Act, 1985 the limitation prescribed for challenging the final order was of one year.

21. Basis the above, he submitted that the Tribunal had failed to properly construe the above facts and thus, resultantly the Impugned Order was required to be set aside and the Original Applications filed by the Petitioner were required to be allowed.

Submissions of Mr. Shetty on behalf of Respondent Nos. 1 and 2.

22. At the outset, Mr. Shetty submitted that it was crucial for this Court to take into consideration the following, viz.

(i) that the Naval Dockyard was established in 1735 and that grade-wise seniority had been maintained in the post of Tradesman right upto the post of Master Craftsman ever since then;

(ii) that out of a total of 6037 Tradesmen, only 25 had challenged the grant of promotions on grade-wise basis as against trade-wise basis;

(iii) that there were 36 trades having different authorized strengths which varied between 800 for the trade of electrical fitter to one for the trade of Lagger;

(iv) that as against the 6037 Industrial Employees (Artisans/Industrial Cadre), there were only 1235 Technical Supervisors to supervise the Artisan Staff. Promotions to the post of Technical Supervisors were always granted on trade-wise basis whereas promotions to the Industrial Employees (Artisan Staff) were always granted on grade-wise basis.

(v) that out of 25 Petitioners, 13 had already moved from the Post of Tradesman to the post of Technical Supervisors and had since been granted promotion on trade-wise basis to the post of Chargeman and Foreman;

(vi) that an overwhelming majority of the rest had already

been granted promotion on grade-wise basis from the post of Skilled to HSK-II and HSK-I

(vii) that the issue in question relates to one policy which is lying undisturbed since 1735 and is sought to be challenged for the first time in the year 2017;

23. Mr. Shetty, then submitted that the Petitioners' contention that trade-wise seniority had to be maintained in the post of Skilled, Tradesman, HSK-II, HSK-I and Master Craftsman was based principally on the said OM dated 14th June, 2010 and Operative Instructions dated 25th June, 2012 issued by the Ministry of Defence read with the Recruitment Rules notified under Article 309 of the Constitution of India namely SRO dated 18th May, 2012.

24. Mr. Shetty then pointed out the following , viz.

i. That the entire premise of the Petitioners' challenge was flawed and misconceived since the Circular dated 14th June, 2010 nowhere lays down a proposition that persons from the Skilled Grade who are entitled to the promotion to the post of HSK-II, from HSK-II to HSK-I and HSK-I to Master Craftsman have to be promoted based on trade-wise requirements and not grade-wise requirements. He pointed out that the Circular nowhere laid down the proposition that placement of individuals in the higher grades above Skilled upto Master Craftsman are to be done on trade-wise basis and not grade-wise.

ii. That Column 11 of the Recruitment Rules nowhere lays down that promotions have to be granted on trade-wise basis and not grade-wise basis, but infact a careful perusal of Column 11 of Recruitment Rules makes it clear that HSK-II with 5 years regular service in the grade i.e. pay scale and in the

respective trade i.e. stream, who had passed the departmental qualifying exam would be eligible for consideration for promotion subject to their securing 50% marks in aggregate. Thus, the Recruitment Rules do not provide that promotions were to be granted on trade-wise basis as against grade-wise.

iii. Similarly, the Operative Instructions dated 25th June 2012 also did not lay down any proposition to the effect that promotions have to be granted trade-wise and not grade-wise.

Basis the above, Mr. Shetty reiterated that the entire premise of the Petitioners' challenge was misconceived and without any merit.

25. Mr. Shetty then pointed out that wherever there was a reference to maintenance of seniority in the respective trade, the same only refers to maintaining the seniority in the

respective trade to ensure that a person who is junior in that trade does not get promoted before a senior in the same trade. The promotion however was to be granted grade-wise based on the seniority in the grade and not trade-wise subject of course to a person in a particular trade not being superseded by his junior in the same trade.

26. Mr. Shetty then submitted that what the Petitioners were really impugning was a policy decision of Respondent No.2. He pointed out that if the said policy of grade-wise promotions was unsettled at this stage that too from inception or even from 2006, the vertical and horizontal relativities in the organization of persons in one trade as compared to any other would be severely disturbed.

27. He then, in dealing with the submission that the Petitioners have been prejudiced by the grade-wise promotions, pointed out that the Petitioners have been unable to show, even a single instance of any junior in a particular trade having been superseded by any senior in the same trade. He thus submitted

that the argument of prejudice and discrimination resulting in financial deprivation was plainly misconceived and was only in the Petitioners' minds. He then reiterated that the said OM of 2010, upon which reliance was placed by the Petitioners was only a circular which had declared the percentage to be maintained in each trade in four grade structure at the time of restructuring and nothing more.

28. He submitted that the Petitioners' emphasis on paragraph 41 of the Impugned Order, where the Tribunal had recorded that Operative Instructions do not pertain to Artisan Cadre/Staff but they pertain to Industrial Cadre and admittedly industrial cadre in Naval Dockyard followed trade-wise seniority, was plainly a typographical error and reference to Industrial Cadre therein could only mean Technical Supervisors since it was only for Technical Supervisors that promotions were granted on a trade-wise basis. He submitted that the recording in the said paragraph would not in any manner take the Petitioners' case further, since the same, in no manner, went to the root of

the matter and solely basis that could not be construed to mean that promotions were to be granted to Artisan Staff on a trade-wise basis.

29. He then, in dealing with the Petitioners' contention that prejudice had been caused to the Petitioners since some of them had not been able to get themselves promoted to the post of Master Craftsman, which resulted in some of the Petitioners losing out on one increment, he pointed out that the Petitioners had failed and neglected to infact substantiate this contention nor had given any computation of such perceived loss. He submitted that the Petitioners had simply raised this contention which was entirely without any basis and therefore, the Petitioners had absolutely no basis to conclude that direct promotion from the post of HSK – I to the post of Chargeman had in fact resulted in any loss to the Petitioners.

30. Mr. Shetty then invited our attention to the Impugned Order and pointed out that the same was a detailed and reasoned order by which the Tribunal had after giving

cogent reasons, upheld the contentions of Respondent No. 1. He therefore submitted that the conclusion arrived at by the Tribunal that none of the letters i.e. the letter dated 16th June 2010, 20th November 2015, and Operative Instructions dated 25th June 2012 provided that promotions from the post of Skilled up to the post of Master Craftsman were to be granted, trade-wise and therefore the entire basis of the Petitioners' challenge was entirely misconceived

Submissions of Mr. Saxena on behalf of Respondent No.3

31. Mr. Saxena Learned Counsel appearing on behalf of Respondent No.3 adopted the submissions made by Mr. Shetty and at the outset submitted that Tribunal had rightly observed that Operative Instructions dated 25th June 2012 only contained instruction on restructuring in Industrial Cadre and nowhere indicated that seniority was to be fixed grade-wise or trade-wise.

32. He then submitted that Petitioners claiming parity

with Artisan Staff of Material Organization was like comparing apples and oranges because there was significant difference between characteristic, object, nature of duties and number of staff of Naval Dockyard, Mumbai and Material Organization, Mumbai.

33. Mr. Saxena also submitted that the Tribunal had rightly observed that Petitioners had failed to show that (i) how promotion to the post of HSK-I to Chargeman has resulted into financial loss and (ii) a single instance of any junior being promoted ahead of his senior.

34. He submitted that there was significant delay of six years by Petitioners in agitating their grievances and allowing this Writ Petition would upset an already drawn up valid list and it shall adversely affect individuals granted promotion therein. He in addition submitted that few Petitioners have reaped the fruits of grade-wise promotion without any protest and now cannot challenge the same. He then submitted that Petitioners had filed this Petition only for increment and pay fixation despite

them being promoted to higher posts in shorter period. He submitted that due to current policy of Respondent No.2, equal opportunity was made be available to all Artisan Staff and Supervisory Posts in proportional manner. Basis, this he submitted that this Writ Petition ought to be dismissed.

35. We have heard Learned Counsel for the Parties and after a careful consideration of the submissions advanced by them, find that the present Writ Petition deserves to be dismissed for the following reasons, viz.

A. We find that the challenge raised by the Petitioners has today become an entirely academic one. It is not in dispute that out of 25 Petitioners, 13 had already moved from the Post of Tradesman to the post of Technical Supervisors and had since been granted promotion on trade-wise basis to the post of Chargeman and Foreman; that an overwhelming majority of the rest had already been granted promotion on grade-wise basis from the post of Skilled to HSK-II and HSK-I.

Hence, the Petitioners have acquiesced to the same and are thus estopped from now challenging the same.

B. Also, we entirely agree with the finding of the Tribunal that *"In this case also there is delay of six years in agitating their grievance. At such a late stage no direction can be given to upset the seniority which has been earlier fixed". .* We cannot lose sight of the fact that the said OM was issued on 14th June 2010 and that the Petitioners for the first time made representations to Respondent No.2 only in February 2017 and March 2017. We must note that no steps whatsoever were taken by Petitioners between 2010 to 2017 for implementing the said OM as interpreted by Petitioners. It is well settled that mere making of representations will not extend limitation nor would give the Petitioners any cause of action. Thus, we have no hesitation in holding there was an inordinate and explained delay on the part of the Petitioners in approaching the Tribunal.

C. *Additionally*, the said OM and Operative Instructions dated 25th June 2012 do not provide for the preparation of a seniority list or for the manner in which promotions are to be granted. The same simply provides for (i) the restructuring of Artisan Staff and (ii) the ratio to be maintained in all trades and not individually in each trade. Even column 11 of the Recruitment Rules did not specify that promotions of the Artisan Staff were to be made trade-wise only and not grade-wise. The same merely states (i) the eligibility criteria for the promotion of HSK-I tradesman; (ii) that HSK-II was the feeder post for promotion to HSK-I hence, the same has no concern with fixation of seniority grade wise or trade-wise.

D. It has also not been disputed that the policy in question pertaining to promotion of Artisan Staff has been in force since 14th June 2010. No other policy has been shown, much less relied upon by the Petitioners.

Therefore, in absence of any specific bar over the powers of Respondent No.2, Respondent No.2 was empowered to grant promotion trade-wise or grade-wise as per the requirement of Naval Dockyard and as per policy decision.

E. We must also note that it is the mere *ipse dixit* of the Petitioners that prejudice and monetary loss has been caused to the Petitioners. The Petition is entirely bereft of any material in support of this contention. Petitioners had neither shown us a single instance in support of this contention Nor a single instance of any junior employee of Respondent No. 2 being promoted before any senior employee of Respondent No.2.

36. Hence for the aforesaid reasons, the Petition is dismissed. There shall be no order as to costs.

(ARIF S. DOCTOR, J.) **(CHIEF JUSTICE)**