

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1401 of 2002

New Delhi, this the 26th day of February, 2003

Hon'ble Shri Kuldip Singh, Member (J)
Hon'ble Shri C.S. Chadha, Member (A)

P.S. Mandawata,
R/o H.No.K 1/80, New Kavi Nagar,
Ghaziabad (UP).

.....Applicant
(By Advocate : Shri Balwant Sharma, learned proxy
counsel for Shri Yogesh Sharma)

Versus

1. Union of India through The Secretary,
Ministry of Defence, Govt. of India,
South Block, New Delhi.
2. The Chief of the Air Staff,
Air Head Quarters, Vayu Bhawan,
New Delhi.
3. Officer-in-Charge (Civil Admn.)
Air Force Central Accounts Office,
Subroto Park, New Delhi-10.

....Respondents

(By Advocate : Shri S. Mohd. Arif)

ORDER (Oral)

By Hon'ble Shri Kuldip Singh, Member (J) :

The applicant has filed this OA being aggrieved by the fact that the respondents have not fixed his seniority from the date of his appointment as per Air Head Quarters Letter No.Air HJQ/23049/363/2PC-4 dated 19.4.1986 and because of non-fixation of his seniority he has been deprived of his promotion at par with junior persons, which is illegal.

2. In the relief clause, the applicant has also prayed that the impugned order be quashed and that he be given seniority from the date of his initial appointment and also the same benefits that have been granted in the cases of similarly situated persons with all consequential benefits.

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(2)

3. A perusal of the OA shows that the applicant is claiming parity along with those persons who had earlier been given similar benefits. The applicant had earlier also filed OA, which was listed as OA No.2751/1999 claiming similar reliefs on the basis of the same grounds and the said OA was disposed of by observing that "In view of the above facts, learned counsel for both the parties submit that either the judgment of the Hon'ble Supreme Court may be awaited or this case may be disposed of on the lines of the order passed by the Allahabad Bench of the Tribunal in L.M. Srivastava's case (supra) and subject to the final orders of the Supreme Court.

4. Thus the position remained the same till date subject to the orders likely to be passed by the Hon'ble Supreme Court. Now the Hon'ble Supreme Court vide its order dated 8.11.2001 has disposed of Civil Appeal No.5086-5087 of 1996 holding that "Even on the question of interpretation also having examined the facts and circumstances of the present case. We are of the considered opinion that relief available to an employee under Para 19 (A) and (b) would not be available to the present respondent. An earlier erroneous orders in favour of Shyam Lal Dubey and Jasbir cannot be a ground in granting the relief sought for by the respondent, and in rejecting the contention raised by the employer - Union of India. In this view of the matter, we set aside the impugned order of the Tribunal and allow these appeals."

(Signature)



5. Since the parties had earlier agreed that they would abide by the judgement of the Hon'ble Supreme Court, which was likely to come shortly from the Hon'ble Supreme Court which has come now and after going through the judgement of the Supreme Court, we find that even the merits of the case has been dealt with by the Supreme Court and also the plea taken by the applicant in the present OA that his juniors have been granted too had been dealt with by the Supreme Court and held that erroneous orders cannot be a ground for granting the relief to the applicant.

6. Following the law laid down by the Supreme Court in the above cited case, we find that this OA is devoid of merit and the same is dismissed. No costs.


(C.S. Chadha)
Member (A)
(Kuldip Singh)
Member (J)

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