

Central Administrative Tribunal, Principal Bench

Original Application No. 1636 of 2002

New Delhi, this the 25th day of February, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Govindan S. Tampi, Member(A)

Vidya Vinod Sharma, No. MES/431800
Son of Shri Sheetal Prasad Sharma,
Kacchi Sarak, Near Masani Crossing,
Mathura (U.P.).

.... Applicant

(By Advocate: Shri D.N. Sharma)

Versus

1. Union of India,
Through the Secretary to the
Govt. of India,
Ministry of Defence,
South Block, New Delhi
2. The Engineer-in-Chief
Engineer-in-Chief Branch,
Kashmir House, Army Headquarters
D.H.Q. Post Office,
New Delhi
3. The Chief Engineer
Headquarters Central Command,
Lucknow.
4. The Garrison Engineer,
(M.E.S.), Mathura Cantt.

.... Respondents

(By Advocate: Ms. Meenu Mainee)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant was appointed as Lower Division Clerk (Civil) in the Office of Garrison Engineer, MES, Mathura.

2. By virtue of the present application, the applicant seeks certain directions of the Civil Court to be implemented and further to allow him the benefit of seniority, next promotion and fixation of pay in the higher scale. As a consequential relief, he claims arrears of pay in this regard.

VS Ag

3. Applicant contends that on 17.1.73, a departmental examination was held for appointment of eligible candidates to the post of Stenographer Grade III and that he had qualified the same. He was not appointed as Stenographer Grade III. Resultantly, he had filed a civil suit which is stated to have ultimately been decreed on 19.8.91. As per the applicant, the learned Addl. District Judge, Mathura had directed that the applicant is entitled to be so appointed w.e.f. 1973. An appeal admittedly has been filed in the High Court of Judicature at Allahabad but no stay has been granted.

4. During the course of submissions, our attention was drawn to the seniority list purported to have been issued on 25.4.2000. Applicant claims that he should be considered as senior to other persons and necessary benefits in this regard should accrue to him.

5. Applicant's learned counsel pointed that the applicant has already sent a representation on 22.3.2000, a copy of which is Annexure A-7 for claiming the similar reliefs.

6. To our query, a positive finding was not coming forward at either end as to whether at the time of issuing seniority list, objections had been invited or not.

7. Keeping in view the totality of facts referred to above, at this stage we direct that respondent No.2 would consider the aforesaid representation of the applicant,

MS Ag

copy of which is Annexure A-7 and pass a speaking order considering all the facts and circumstances relevant to the controversy. The order so passed should be communicated to the applicant. It shall be highly appreciated that it is a speaking order and the matter is decided within a period of six months from the date of receipt of a certified copy of the present order. With these directions, the OA is disposed of.

(Govindan S. Tampi)
Member (A)


(V.S. Aggarwal)
Chairman.

/dkm/