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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. NO. 1269 OF 2001

New Delhi dated this the 4th February 2002

HON'BLE MR. S.R.ADIGE VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI MEMBER (J)

1. Shri Nathi Ram, S/O Late Sh. Raila ,
R/O. 1/3258, Ram Nagar Extn,
Mandoli Road, Shahdara, Delhi - 32
2. Shri Pramod Kumar, S/O. Sh. Sita Ram,
R/O. P-64-A, Vijay Vihar,
Uttam Nagar, New Delhi.
3. Dinesh Pal, S/o: Sh. Man Singh
R/o. H.NO. 62-B, N- Block,
Laxmi Nagar, Near Jagat Ram Park ,
Delhi -92Applicant
(By Advocate Shri Dr. K.S. Chauhan)

Versus

1. Union of India through
Secretary, Ministry of Communication
Sanchar Bhawan, New Delhi
2. Chief General Manager, MTNL
K.L.Bhawan, New Delhi
.....Respondents
(By Advocate Shri V.K. Rao)

ORDER

S.R. ADIGE, VC (A)

Applicants seek a direction to respondents to restore their original seniority, by quashing the impugned seniority list and to allow them to continue on their original posts of STS in ITS group 'A' in view of the Hon'ble Supreme Court's directions, by not affecting their promotions already made.

2. Heard both sides.

3. Applicants in their rejoinder have not denied the specific averments of respondents contained in their reply that applicants were promoted in STS of

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ITS group 'A' on local officiating basis by local arrangement of MTNL Circle in accordance with the old seniority list of 1993, based upon the year of passing the qualifying examination, and amongst those who passed in the same year, based on the marks obtained in the qualifying examination.

4. The question of determination of seniority was the subject matter of protracted litigation. Eventually the Hon'ble Supreme Court in its judgment dated 26.4.2000 in UOI Vs. Madrass Telephone SC & ST Social Welfare Association (2000)9 SCC 71 has ⁷clarified that the seniority was to be fixed on the basis of year of recruitment in JTO cadre. In accordance with the aforesaid judgment, the seniority of entire ITS group 'B' cadre was revised and a fresh seniority list has been drawn up by respondents, and as per applicants' position in the aforesaid fresh seniority list they have been reverted.

5. Applicants' counsel Shri Chauhan places reliance on para 19 of the aforesaid judgment dated 26.4.2000(supra) which relates to certain Civil appeals filed by Shri Parmanand Lal, in which the following conclusions of the Hon'ble Supreme Court are reproduced below:

"We have also indicated that the promotions already effected pursuant to the judgment of the Allahabad High Court which was upheld by this court by dismissing the SLP filed by the Union of India will not be altered in any manner. This being the position and the judgment of the Allahabad High Court having attained finality, he having received the benefit of the said judgment and having been

promoted, could not have been reverted because of some later judgments and directions given either by the Tribunals or by this Court."

6. Shri Chauhan contends that present applicants are also covered by the aforesaid conclusions, but plainly that cannot be so. The aforesaid conclusions would apply only to those who were a party to the aforementioned Allahabad High Court judgment which was affirmed by the Hon'ble Supreme Court, or indeed to any other judgment and not to those who were not a party to the same. Applicants have produced no materials to establish that they were a party in the aforesaid judgment of the Allahabad High Court, or indeed any other judgment.

7. Further it is not denied that applicants' promotion to STS grade 'A' was only on local officiating basis purely through local arrangement.

8. In the result the O.A. warrants no interference, it is dismissed. Interim orders, if any, are vacated. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member(J)

S. R. Adige
(S. R. Adige)
Vice Chairman(A)

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