

Central Administrative Tribunal, Principal Bench

O.A. No.2910 of 2001

New Delhi this the 23rd day of October, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Mr. Govindan S. Tampi, Member (A)

1. Atam Prakash
Qtr No: 114, Punjabi Colony,
Narela, Delhi-110040.
2. Bengali Ram
F-50/4, Andrewganj,
New Delhi-110049.
3. Bhim Sen
DG-953, Sarojini Nagar,
New Delhi-110023.
4. Chander Bhan
13/92, Dev Nagar, Karol Bagh,
New Delhi-110005.
5. DN Prashar
109/13, Pushp Vihar, Sector-I,
Saket, New Delhi-110017.
6. Gopi Khushlani (Mrs)
11-A, Vasant Vihar,
New Delhi-110057.
7. Gurdas Ram Mangal
C-10, Brij Vihar, Zone H-4-5,
Pitampura, Delhi-110034.
8. KS Negi
VII/119, RK Puram,
New Delhi-110022.
9. Kamlesh Kapoor (Mrs)
F-217, Vikas Puri,
Delhi-110018.
10. Khushhal Chand (Ph:914724325)
C-47, Lohia Nagar,
Ghaziabad-201002.
11. MMR Bhandari
VII/1135, RP Puram,
New Delhi-110022.
12. Mohan Lal
110/1, Sector-1, Pushp Vihar,
New Delhi.
13. Nank Chand
K-6, Sector-2, DIZ Area,
Udyam Marg, New Delhi-110001.
14. Raghuvir Chaudhary (688-3564)
11/III, North West Moti Bagh,
New Delhi-110021.

182

15. Rajendra Prasad
AB-849, Sarojini Nagar,
New Delhi-110023.

16. Ramesh Lal Bhatia (546-5769)
B-87 (DS), Ramesh Nagar,
New Delhi-110015.

17. SC Syal (559-8749)
C-3/395, Janakpuri,
New Delhi-110058.

18. Satya Anand
2929, Aryapura, Sabzimandi,
Delhi-110007. .. Applicants
(By Advocate : Shri G.K. Aggarwal)

Versus

1. Union of India thro'
Defence Secretary,
South Block, New Delhi-110011.

2. The Chief Administrative Officer,
Ministry of Defence, C-II hutments,
South Block, New Delhi-110011.

3. The Secretary
Union Public Service Commission,
Shahjahan Rd, New Delhi-110011. .. Respondents

ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J):

We have heard Shri G.K. Aggarwal, learned counsel for applicants. He drew our attention to various representations stated to have been made by the applicants on 16.3.2001, 17.4.2001 and 23.5.2001 to the respondents to re-draft the seniority list in accordance with certain judgements of the Tribunal, mentioned therein. During the hearing, learned counsel for applicants also referred on the judgement of the Hon'ble Supreme Court in the case of UOI and Ors. Vs. O.P. Gupta and Ors., being Civil Appeals Nos.3489-91 of 1996 decided on 25.4.2001. According to him, the Hon'ble Apex Court has merely reiterated their earlier decision of 1989 in the case of D.P. Sharma and Ors. Vs. UOI and Ors., which has been referred to in the judgement and till date the

respondents have failed to revise the seniority list in terms of the law laid down by the Hon'ble Apex Court and give the seniority to the applicants with effect from the date they joined services.

2. We find that the applicants have made a series of representations referred to above in which references have been made to various judgements of the Tribunal, but why they have not referred the judgement of the Hon'ble Supreme Court in O.P. Gupta's case (supra) dated 25.4.2001 has not been satisfactorily explained. If the aforesaid judgement of the Tribunal has been upheld by the Hon'ble Supreme Court, that would only enhance the stand of the applicants and we see no reason why the applicants could not have made a representation to the respondents in the first instance to follow the law laid down in the O.P. Gupta's case (supra) which has not been answered in the OA.

3. In the above facts and circumstances of the case, the present OA is pre-mature. Therefore, the applicants may in the first instance make a suitable representation to the respondents and await their reply to it. Thereafter if any grievance survives, it is open them to proceed in the matter in accordance with law, if so advised.

4. The present OA is accordingly disposed of as above at the admission stage itself. No costs.

(Govindan S. Tampi)
Member(A)

(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

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