

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 2629/1999

New Delhi this the 3rd day of July, 2000.

6

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Shri Kiran Singh,
Private Secretary,
Customs, Excise & Gold (Control)
Appellate Tribunal,
West Block II, R.K.Puram,
New Delhi.

... Applicant

(By Shri Kulbir Parashar, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
2. President,
Customs, Excise & Gold (Control)
Appellate Tribunal,
West Block No.2, R.K.Puram,
New Delhi.
3. Registrar,
Customs, Excise & Gold (Control)
Appellate Tribunal,
West Block No.2, R.K.Puram,
New Delhi.
4. Shri R.C.Sharma,
Private Secretary,
Customs, Excise & Gold (Control)
Appellate Tribunal,
West Block No.2, R.K.Puram,
New Delhi.
5. Union Public Service Commission
through its Chairman,
Dholpur House,
Shahjahan Road,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Respondent No.4 has been given seniority over
applicant on the recommendation of the Union Public
Service Commission, respondent No.5 herein.
Respondent No.5 while fixing the seniority^{has} observed as
follows :

[Handwritten signature]

"2. The relative seniority of persons appointed on transfer is fixed in accordance with guidelines laid down in the DOP&T OM dated 3.7.1986 the relevant paras of the OM are quoted below :

7

3.1 The relative seniority of persons appointed by transfer to a Central Service from the subordinate offices of the Central Government or other department of the Central or a State Government shall be determined in accordance with the order of their selection for such transfer.

3.4.1 In the case of a person who is initially taken on deputation and absorbed later (i.e., where the relevant recruitment rules provide for transfer on deputation/transfer), his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be given seniority from the date he has been holding the post on deputation.

OR

The date from which he has been appointed on a regular basis to the same or equivalent grade in his parent department; whichever is later."

Respondent No.5 has further observed vide its letter dated 28.5.1999 as under :

.....that as per the recruitment rules, in addition to other categories, "Senior Stenographers of Delhi Admn/High Courts/Subordinate Courts thereto/similar Tribunals having 3 years regular service in the grade of Rs.550-900 (pre-revised) or 8 years regular service in the grade of Rs.425-700 (pre-revised)" were eligible for consideration. Therefore, the UPSC observed that the respondent No.4 was a Senior Stenographer in the grade of Rs.425-700 (pre revised) in the office of the District and Sessions Judge, Delhi w.e.f. 1.3.1982 on a regular basis and he had completed 8 years of regular service in that grade on

Net

28.2.1990 and he was eligible for consideration for the post in question on the crucial date as 26.3.1990.

8

In view of the above reasoning, the respondent No.4 has been placed above the applicant in the seniority list under challenge in the present application."

In addition to the aforesaid grounds we find that ~~Moreover,~~ respondent No.4 had joined CEGAT on deputation earlier than applicant. In our view, seniority accorded to respondent No.4 over applicant, for the above reasons, cannot be successfully assailed.

2. Present O.A., in the circumstances, is summarily rejected.

Vk Majotra

(V. K. Majotra)
Member (A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

/as/