

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2751/1999

New Delhi, this the 2nd day of February, 2001

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

Shri P.S.Mandawat
R/o House No. K1/80, New Kavi Nagar
Ghaziabad (U.P.)

...Applicant

(By Advocate : Shri V.P.Sharma
through learned proxy counsel
Shri Yogesh Sharma)

V E R S U S

Union of India : Through

1. The Secretary
Ministry of Defence, Govt. of India
South Block, New Delhi.
2. The Chief of the Air Staff,
Air Headquarters, Vayu Bhawan
New Delhi.

...Respondents.

(By Advocate : Shri S.M.Arif)

O R D E R (ORAL)

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

The applicant's main grievance in this OA is that the respondents have not fixed his seniority correctly from the date of his appointment as Teacher in Air Headquarters and taken into account his previous services as Civilian School Master in Army at ASC Centre (N) Meerut Cantt, for the period from 24-4-1961 to 6-3-1962.

2. The brief relevant facts of the case are that the applicant, while working as Civilian School Master had been declared surplus. Thereafter he had been appointed as LDC with the respondents. His claim is that his previous service should also be counted

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for the purpose of seniority. In between, admittedly the applicant had joined services with 15th Wing, Air Force Station, Bareilly wherein again he was declared surplus w.e.f. 22-8-1964, but that period has since been allowed to be regularised by the respondents for the purpose of granting seniority. Shri Yogesh Sharma, learned counsel has relied upon the judgement of the Tribunal in Satya Narain Kaushik vs. Secretary, Ministry of Defence (OA No. 43/1991) decided on 15-2-1996, (Annexure A-6). We are informed that the applicant has since retired from services.

3. The respondents in their reply have submitted, inter alia, that one Shri L.M.Srivastava who is similarly situated, moved OA 1882/94 before the Tribunal (Allahabad Bench) claiming the seniority with effect from the date of his initial appointment. This OA was decided in his favour vide order dated 13-12-1995. The respondents state that they have filed SLP No.3270-71/97 before the Hon'ble Supreme Court against this order.

4. Shri S.M.Arif, learned counsel has submitted that even as on 31-1-2001, the SLP was still pending before the Hon'ble Apex Court.

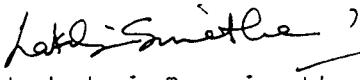
5. In view of the above facts, learned counsel for both the parties submit that either the judgement of the Hon'ble Supreme Court may be awaited or this case may be disposed of on the lines of the order passed by the Allahabad Bench of the Tribunal in L.M.Srivastava's case (supra) and subject to the final orders of the Supreme Court.

6. Noting the above submissions of the parties, the OA is disposed of with the following directions :-

(12)

Respondents to give similar benefits to the applicant as may be allowed by the Hon'ble Supreme Court in the case of Shri L.M.Srivastava (supra) in their final order. No order as to costs.


(Govindan S. Tampi)
Member (A)


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

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