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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A.NO.1293/95

New Delhi, this the 23rd day of August, 1995

Hon'ble Shri J.P. Sharma, Member(J)

Hon'ble Shri B.K. Singh, Member(A)

Shri Gulab Singh Mehra,  
s/o Shri Charanji Lal,  
presently posted as Chief  
Prosecutor, Directorate  
of Prosecution, Tis Hazari,  
Delhi.

... Applicant

By Advocate: Shri V. Sondhi, proxy  
Shri S.P. Sharma.

Vs.

1. The Union of India  
through Secretary  
Ministry of Home Affairs,  
North Block, New Delhi.
2. The Govt. of National  
Capital Territory,  
through its Chief Secretary,  
5, Sham Nath Marg,  
Delhi.
3. Joint Secretary (Home)  
5, Sham Nath Marg,  
Delhi.
4. Shri S.K. Dutta,  
Chief Prosecutor,  
Prosecution Branch,  
Patiala House Courts,  
New Delhi.

... Respondents

O R D E R (ORAL)

Hon'ble Shri J.P. Sharma, Member(J)

We have already heard the learned proxy counsel

Shri V.C. Sondi for the applicant and again we have  
heard the learned counsel today alongwith the applicant  
who is holding the post of Chief Prosecutor in Delhi

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...2.


Administration. The main grievance projected by the learned counsel in the amended application is that the respondents have prepared a panel of the Chief Prosecutor on the recommendations of the UPSC in which the name of Shri S.K. Dutta appears at Sl.No.1 and that of the applicant at Sr.No.2. The relief prayed for by the applicant in the application is that the seniority of the applicant be fixed on the basis of 40 point roster w.e.f. 31.3.83 with all monetary benefits and that he should be shown at Sr.No.1 in the panel dated 31.5.95. We have heard the learned counsel at length and to find out whether any substantial issue is involved for decision in this case. The learned counsel for the applicant hammered emphatically that 40 point roster should have been absorbed in preparing the seniority-list but that is not the scope and meaning of the 40 point roster. 40 point roster is meant for entry in appointment on certain points on promotion but the seniority is not taken away on those points to displace the senior unreserved category candidates. When we go to the senioritylist filed by the applicant himself as Annexure 'E' to the application, Shri S.K. Dutta who is at Sr.No.1 entered in the service as PSI on 15.3.67 was appointed as

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Prosecutor on 1.6.70 and was confirmed as PSI Prosecutor on 20.10.73 and appointed as Sr. Prosecutor on 30.9.87. When we go to the date of joining of the applicant, we find that he entered the service on 15.2.77 as Assistant Prosecutor. The applicant, therefore, was 10 years junior in the service and atleast 7 years as Shri S.K. Dutta was given clear appointment as Prosecutor on 1.6.70 while the applicant got the same appointment on 15.2.77. If the roster was not complied with earlier for that now in 1995 the settled matter cannot be unsettled.

The contention of the learned counsel for the applicant is that the respondents have erred in placing the applicant at Sr.No.2. The respondents have accepted the recommendations of the UPSC of the selected candidates. There is a proper representation of the reserved category and the respondents have given the applicant at place No.2 as per the recommendations of the UPSC. The applicant cannot aspire to displace a senior of general category at Sr.No.1. The seniority cannot be fixed on the basis of 40 point roster. In view of this, we find that no issue is involved for decision in this case nor any substantive question of facts of law. The application is, therefore, rejected at the admission stage.

  
(B.K. SINGH)  
MEMBER(A)

  
(J.P. SHARMA)  
MEMBER(J)