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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.427/95

New Delhi : this the 28th day of May, 1996.

HON'BLE MR.S.R. ADIGE, MEMBER (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

Jasvinder Kaur Bains,
W/o Shri Harbhajan Singh,

aged about 35 years,
r/o C-233, Albert Square,
Gole Market, DIZ Area,
New Delhi#

....Applicant#

By Advocate : Shri B.B.Raval.

Versus

1. Union of India,
through the Secretary,
Ministry of Finance
(Department of Revenue)
North Block,
New Delhi- 110001.

2. The Director General of Inspection,
Customs and Central Excise,
Govt. of India,
Drum Shape Building,
I.P.Estate,
New Delhi-2.

3. Shri Inderpal Singh Kohli,
working as Assistant in the
Office of Respondent No 2,
C/o Respondent No 2.

4. Shri P.S.Rana,
working as Assistant in the
Office of Respondent No 2
C/O Respondent No 2.

....Respondents#

By Advocate : Shri N.S.Mehta#

JUDGMENT

BY HON'BLE MR.S.R.ADIGE, MEMBER (A)

We have heard Shri Raval for the
applicant and Shri N.S.Mehta for the respondents#

2. Although the applicant was subsequently

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promoted as Assistant, we note that when the DPC met on 12.7.93 they held that she was not eligible for promotion as she had not passed the departmental examination at the given time, which was a necessary requirement as per Ministry's order dated 22.8.75, subsequently confirmed by Ministry's letter dated 12.8.94. We further note that when the DPC met next on 24.11.94 it was brought to their notice that the recruitment rules nowhere prescribed passing of the departmental examination as an essential qualification for promotion as Assistant, and this time she could not be promoted because of her relatively low position in the seniority list.

3. During hearing, respondents' counsel Shri Mehta very fairly and justly submitted that the respondents would have no objection in considering the applicant's case for grant of seniority from the date her immediate junior Shri Inder Pal Singh Kohli was promoted, subject to the applicant not making any claim for back wages. Applicant's counsel Shri Raval agreed to this submission made by Shri Mehta.

4. Accordingly, this OA is disposed of with a direction to ^{the concerned authority} consider the applicant's case for grant of seniority as Assistant from the date her immediate junior Shri I.P.Singh Kohli was so promoted, by means of a detailed, speaking and reasoned order within three months from the

date of receipt of a copy of this judgment,
subject to the applicant not making any claim
for arrears of wages. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

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(S. RADIGE)
MEMBER (A).

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