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CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1222/97

Tuesday, this the 16th day of July, 2002

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Shri R.L.Gupta
s/o Shri Chanan Mal
797, Rishi Nagar, Shakur Basti
Delhi-34
(By Advocate: Shri V.K.Rao)

...Applicant

Versus

1. Union of India through the Secretary
Ministry of Water Resources
Govt. of India, Shram Shakti Bhawan
Rafi Marg, New Delhi
2. The Chairman
Central Water Commission
Sewa Bhawan, R.K.Puram, New Delhi
3. The Director (Admn)
Central Water Commission
Sewa Bhawan, R.K.Puram, New Delhi
4. Shri Kewal Krishan
5. Shri Hari Singh
6. Shri G.S. Karki
7. Smt. Kalyani Das Gupta
8. Smt. Hansi Dutta
9. Shri T.N.Gupta
10. Shri Y.P. Sharma
11. Smt. Neera Kakkar
12. Shri Ram Singh
13. Shri H.Subramanyam
14. Smt. S.L.Sharma
15. Shri M.S.Katakwal
16. Shri Raj Singh
(address for Resp. Nos. 4 to 16
c/o Director (Admn.)
Central Water Commission
Sewa Bhawan, R.K. Puram
New Delhi-66)

...Respondents

(By Advocates: Shri K.C.D.Gangwani for respondents 1-3,
Shri Nagender Deswal for respondents 7-16
& None for respondents 4-6)

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O R D E R (ORAL)

Shri S.A.T. Rizvi:

The applicant, who claims to have been appointed as a Senior Computer against a post meant for direct recruits in the Central Water Commission (CWC) on 23.5.1984, is aggrieved by the provisional Integrated Seniority List of Senior Computers issued by the respondents vide Office Memorandum dated 31.5.1994 (A-1). The submission made is that in the aforesaid list, his name has been shown at Sl.No.99 instead of at Sl.No.84, and this has been done, according to the learned counsel appearing for the applicant, without following the correct legal position.

2. We have heard the learned counsel appearing for the parties and have also perused the material placed on record.

3. We have, in particular, perused the aforesaid Office Memorandum (A-1) and find that the seniority list issued therewith is claimed to have been issued in accordance with the Tribunal's judgement in OA-2016/90 in Rai Singh & Ors. Vs. Union of India & Ors. However, at the same time, it also lays down that the aforesaid seniority list will be subject to the outcome of the Tribunal's judgement in yet another OA, being OA-2590/90, (A.K. Pal & Anr. Vs. Union of India & Anr.) which was then yet to be decided.

4. When the applicant made a representation against the aforesaid seniority list (A-1), the respondents have

proceeded to reject the same vide their Office Memorandum dated 29.1.1997 (A-3) by stating therein that the aforesaid seniority list (A-1) had already been revised in accordance with the judgement of this Tribunal in OA-2016/90 dated 3.6.1993 and was, therefore, to be treated as correct and final.

5. Clearly, while issuing the aforesaid Office Memorandum (A-3), the respondents have failed to take care of the commitment made by them at the stage of issuance of the aforesaid provisional seniority list. That commitment was to review the aforesaid provisional list in the light of the judgement of the Tribunal in OA-2590/90. The learned counsel appearing on behalf of the applicant has drawn our attention to the order passed by this Tribunal in the aforesaid OA (OA-2590/90) and placed at A-9. By the said order, to which one of us (Mrs. Lakshmi Swaminathan, VC (J)) was a party, the claim of Senior Computers for seniority on the basis of ad hoc promotion was rejected. We note that in passing the aforesaid order, the Tribunal had placed reliance on the judgements rendered by the Hon'ble Supreme Court in Direct Recruit Class II Engineering Officers Association's case, reported as JT 1990 (2) SC 264, and in Narendra Chadha Vs. Union of India, reported as AIR 1986 SC 638. In view of the aforesaid judgements, the benefit extended to similarly placed Senior Computers, who had been promoted on ad hoc basis and who thereby gained seniority over the applicant, became unsustainable. Thus, the private respondents, who gained seniority above the applicant by virtue of the Tribunal's

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order passed in OA-2016/90, are found to have gained seniority without any legal basis. This is the main issue raised on behalf of the applicant.

6. In the light of the forgoing, we find that the impugned Office Memorandum dated 29.1.1997 (A-3) having been issued without going into this Tribunal's order in OA-2590/90 deserves to be quashed and set aside. The same stands quashed and set aside. Having done that, we find it in order, just and proper to dispose of the present OA by directing the respondents to review and, if necessary, re-cast the aforesaid provisional Integrated Seniority List of Senior Computers in the light of the judgement rendered by this Tribunal in OA-2590/90 expeditiously and in any event within a period of three months from the date of receipt of a copy of this order. We direct accordingly. Needless to add that if, after reviewing the aforesaid seniority list, the respondents find it in order to restore the applicant's seniority to Sl.No.84, as claimed by him, all the consequential benefits arising from such a restoration will also flow to him in accordance with law and rules, and the consequential benefits found admissible will be granted to him within a period of one month from the date on which his seniority is so restored.

7. The present OA is disposed of in the aforesated terms. No costs.


(S.A.T. Rizvi)
Member (A)

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(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)