

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.1272/97

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

(16)

New Delhi, this the 29th day of June, 2000

Shri Gurdev Sandhu  
S/o Shri Partap Chand, R/o 1721, Street No. 4  
Govind Puri Extn., Kalkaji,  
New Delhi - 110 019.  
Retd. as Asstt. from Directorate  
of Inspection, Customs &  
Central Excise. ... Applicant

(By Shri S.K.Gupta, Advocate)

Vs.

1. Union of India through  
Secretary, Ministry of Finance  
Department of Revenue  
North Block  
New Delhi.
2. Director General  
Directorate of Inspection  
Customs & Central Excise  
D-Block, I.P.Bhawan  
I.P.Estate, New Delhi. ... Respondents

(By Shri Madhav Panikar, Advocate)

O R D E R (Oral)

By Reddy. J.

This Tribunal, we are afraid, does not have jurisdiction to deal with this matter. The applicant seeks to take into account the services rendered from 1957 to 1964 in the Office of Settlement Commissioner, Ministry of Rehabilitation for the purpose of fixing his seniority in the post of UDC in the office of Respondent No.2, (Directorate of Inspection, Customs and Central Excise). It is also to be noticed that the applicant had been retired from service in 1993. Thus, the OA is filed for the purpose of fixing the initial date of appointment after he was retired from service in the office of Respondent No.2. This Tribunal had no jurisdiction to deal with this matter,

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as it pertains to the fixation of the seniority of the applicant w.e.f. 1964, the OA is liable to be dismissed on this ground alone. (7)

2. The OA is also hopelessly barred by limitation. The Supreme Court in <sup>a</sup> number of decisions held that the seniority of the employees cannot be disturbed after a long lapse of time and settled positions of seniority cannot be disturbed. (K.R.Mudgal & Others Vs. R.P.Singh & Others, 1986(4) SCC 531). The OA is, therefore, dismissed. This case deserves to be dismissed with heavy costs. <sup>but</sup> As it is stated by the learned counsel for the applicant that the applicant has now <sup>retired</sup> <sub>parties</sub> from service and is suffering from TB, we order to bear their own costs.

*Shanta*  
(SMT. SHANTA SHAstry)  
MEMBER(A)

*Chintamanyulu*  
(V.RAJAGOPALA REDDY)  
VICE CHAIRMAN(J)

/RAO/