

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1570/97

New Delhi, this 19 th day of April, 2000

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

(V)

Phool Chand
Senior Computer; Dte. of Waterlony
Resources(Economical) Central Water Commission
Sewa Bhavan, Room No.9
R.K.Puram, New Delhi-22 .. Applicant

(By Shri S.C.Saxena, Advocate)

versus

1. Secretary
Ministry of Water Resources
Shram Shakti Bhavan, New Delhi
2. Chairman
Central Water Commission
Sewa Bhavan, R.K.Puram, New Delhi .. Respondents

(By Shri S.M.Arif, Advocate)

ORDER(oral)

Hon'ble Smt. Shanta Shastry

The applicant, a Senior Computer, is aggrieved by the order dated 13.5.97, whereby he has been informed that his claim that junior officers have been promoted to the grade of Professional Assistant(S) in the Central Water Commission is neither correct nor justified.

2. The applicant was initially appointed as Peon on 7.8.61. Later on he was appointed to the grade of Junior Computer w.e.f. 12.1.73 and was promoted as Sr. Computer on ad hoc basis w.e.f. 1.7.78. He was reverted to the post of Jr. Computer w.e.f. 16.8.78 and was repromoted w.e.f. from 31.8.79. Once again he was reverted on 25.3.80 and promoted again on 26.3.82 on ad hoc basis. He was regularised w.e.f. 25.3.90. His seniority in the grade of Sr. Computer was fixed from

the date of his regular appointment in the grade of Sr. Computer as per the seniority list of officers borne on the cadre of Sr. Computer issued from time to time, the last one being in 1993. Thereafter, revised integrated seniority list of Sr. Computers borne on the cadre of Central Water Commission and its subordinate offices was issued on 31.5.94. While issuing this list, it was stated that this was drawn in pursuance to the judgement of the Central Administrative Tribunal in OA No.2016/90 decided on 3.5.93 filed by Raj Singh & Ors. Vs. UOI & Ors. In this list it was further stated that the seniority is subject to the outcome of the judgement of this Tribunal in OA No.2590/90 filed by A.K.Pal & Ors. Vs. UOI and this was circulated to all concerned.

(15)

3. It is the grievance of the applicant that while he was shown at SI.No.61 in the earlier list of 1993 and his juniors particularly Smt. Neera Kakkar, Raj Singh and Ram Singh etc. have been shown at SI.No.62, 64 and 67 etc. In the revised list of 1994, the same juniors have been shown at SI.No.93, 94 and 98 respectively but the applicant has been shown at SI.No.139. Based on this seniority list his juniors were promoted in 1997 to the post of Prof. Asstt.(S), whereas the applicant being lower down in the seniority list was denied the promotion along with his juniors. Applicant also claims that he belongs to SC community.

4. The learned counsel for the respondents has raised preliminary objection as to limitation. The revised seniority list was finalised in 1994. Applicant has filed the present OA on 2.7.97. He should have approached the Tribunal within a period of one year but

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he has failed to do so. Further, applicant had represented to the concerned authorities against his exclusion from the promotion list only on 12.3.97 and he was informed on 13.5.97 by the respondents. Applicant has not challenged the seniority list but only his non-promotion in 1997. Therefore it is clearly established that this application is beyond the period of limitation. Applicant submits that he had not received the seniority list of 1994 to enable him to challenge it at the appropriate time and therefore the application is not barred by limitation.

(b)

5. However the respondents in their counter reply have averred that copies of the revised seniority list were circulated to all the concerned officers through their Branch Officers/Chief Engineers/Superintending Engineers/Executive Engineers as per endorsement of the seniority list. It is not expected that the seniority list would be furnished individually to every officer. We are satisfied that the seniority list was circulated to all concerned and therefore we do not accept the plea of the applicant that he has not received a copy of the list. Hence this application deserves to be dismissed on the ground of limitation itself.

6. Even on merits we find that the reply given by the respondents vide communication dated 13.5.97 is self-explanatory. It is seen that the applicant had opted for the post of Prof. Asstt.(S). According to the respondents none of the officers junior to the applicant in the grade of Sr. Computers have been promoted to the grade of Prof. Asstt.(S). The claim that he belongs to SC community cannot give him

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promotion because there are 3 more officers belonging to SC community and they were also senior to the applicant who have not been promoted. Further, we note that the revised seniority list of 1994 was as a result of the judgement of this Tribunal in OA No.2016/90 which directed to give the benefit of continuous officiation of service to the applicants therein for the purpose of seniority and eligibility for promotion to the next higher grade with effect from the date of their respective ad hoc promotion.

2. The applicant's juniors who were parties to the said judgement got the decision in their favour ^{and} thus climbed up the ladder in the seniority above the applicant, whereas the applicant was not a party to that OA. Therefore, there is nothing arbitrary in the above seniority list and it was clearly in pursuance of the judgement of this Tribunal. In view of this also, the applicant has no case.

8. In the facts and circumstances of the case, the OA is dismissed. We however do not order any costs.

Shanta S-

(Smt. Shanta Shastry)
Member(A)

V. Rajagopal Reddy

Vice-Chairman(J)

/gtv/