

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2321/97

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

New Delhi, this the 27th day of July, 2000

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1. Uttam Chand
s/o Shri Chirmoli Ram
r/o Qr.No.8, Enq. office
Sector IV, Pushpvihar
New Delhi - 110 017.
 2. Amarjeet
s/o Shri Kanhaiah
r/o 90/4, Sector-I, Pushp Vihar
New Delhi - 110 017.
 3. Ram Avadh Prasad
s/o Shri Bhikkhi
r/o Qr.No.I, Sector IV
CPWD Enquiry
Pushpa Vihar
New Delhi - 110 017.
 4. Shri Shankar Ram
s/o Shri Uttam Ram
r/o 947 Saraswati Vihar
Chakkarpur
Gurgaon.
 5. Tarapada Satvaya
s/i Shri B.Satvaya
r/o 684-S-IX, R.K.Puram
New Delhi - 110 022.
- ... Applicants

(By Shri George Paracken, Advocate)

Vs.

1. Union of India through
The Secretary
Ministry of Urban Affairs & Employment
Nirman Bhawan
New Delhi.
 2. Director General of Works
Central Public Works Department
Nirman Bhawan
New Delhi.
- ... Respondents

(By Shri K.C.D.Gangwani, Advocate)

O R D E R (Oral)

By Justice Rajagopala Reddy:

The only grievance of the applicants in this case is that their seniority should be fixed based upon the date of their confirmation. The applicants

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have been confirmed w.e.f. 1.4.1988 vide confirmation orders dated 31.7.1989, 10.3.1990, 15.12.1992 and 23.4.1993. Hence it is claimed that the applicants are entitled for their seniority as on 1.4.1988. The OA is however filed to refix the applicant's seniority as has been done in the case of Shri Bans Raj.

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2. In the reply it is ~~surprisingly~~ stated that the applicants have been given their seniority from the date of their confirmation and it is also stated that the applicants have sought refixation of their seniority at Sl. No.596, 651, 701, 744 and 794 respectively as was done in the case of Shri Bans Raj.. Accordingly, they were given their seniority. Hence no dispute arise^A in this OA.

3. We have heard the counsel for the applicants and the respondents. We find that ~~there is~~ no dispute ^{survives} in this case. Whatever ^{was} asked ^{for} by the applicants, ^{has} ~~have~~ stated to have been allowed by the respondents as their seniority has been fixed as was done in the case of Shri Bans Raj in accordance with the ^{date} of confirmation ^{of} the applicants.

4. The learned counsel for the applicants, however, tries to submit that indeed the date of confirmation of the applicants ^{itself was} ~~were~~ wrong as the instructions of OM dated 12.9.1968 have not been fully followed at all in the matter of giving confirmation to them. This question however, cannot be heard at this point of time as they have ^{been} confirmed in 1989-93. Moreover, this is not the grievance in the OA. Hence without going into the question whether the

OA

confirmation of the applicants is properly done or not, the OA has to be dismissed on the ground that whatever asked ^{dw} by the applicants have already been granted. The OA is accordingly dismissed. In the circumstances, there shall ~~not~~ be no order as ^{to} costs.

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(SMT. SHANTA SHASTRY)
MEMBER(A)

V. Rajagopala Reddy

(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/