

Central Administrative Tribunal  
Principal Bench, New Delhi.

OA-23/97

New Delhi this the 11th day of July, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Sh. S.P. Biswas, Member(A)

Sh. Lambodar Mishra,  
S/o Sh. Siropani Mishra,  
working as Works Manager,  
Ordnance Factory, Bolangir,  
At/P.O. Badmal,  
Distt. Bolangir.

..... Applicant.

(through Sh. A.K. Behera, advocate)

versus

1. Union of India  
represented by the  
Secretary, Department of  
Defence, Ministry of Defence,  
New Delhi.
  2. Director General, Ordnance Factory  
Board, 10-A, Auckland Road,  
Calcutta-700 001.
  3. Secretary Ordnance Factory  
Board, A/G 10-A, Auckland Road,  
Calcutta-700 001.
  4. General Manager,  
Ordnance Factory,  
Bolangir, at P.O. Badmal,  
Distt. Bolangir, PIN-7677 770.
  5. Union Public Service Commission,  
represented by its Secretary,  
Dholpur House, Shahjahan Road,  
New Delhi.
- ..... Respondents
- (through Sh. VSR Krishna, advocate)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

The relief sought in this application is that the seniority list published by the respondents on 15.1.96 with respect to the applicant is wrong and appropriate directions may be issued.

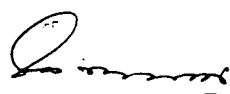
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We have heard the learned counsel for the parties and it was shown that in the said seniority list the applicant is shown against Serial No.88 while his position should have been some where in between 25 and 26. Since the finalisation of the seniority of the applicant is governed by the statutory rules modified by the Department of Personnel & Training vide its O.M. dated 19.7.89, we find that there is substance in the contention of the applicant and the seniority position of the applicant is to be reconsidered under the said statutory rules as well as in the light of the said O.M. We would make it clear that the said O.M. contains the consideration of the seniority of a senior person when a junior person has been assigned a particular seniority irrespective of their number of years in the feeder cadre provided the concerned person has completed his period of probation. By acknowledging the said decision under the rule is a correct way of looking at the matter at hand, the respondents shall pass an appropriate order in the case of the applicant and assign him the correct seniority in accordance with the statutory rules within three months from the date of receipt of a copy of this order provided there is no other order against the respondents not to do so.

In case the position of the applicant in the seniority list is found to be correct as contended now by him, he is entitled to all consequential benefits in accordance with the rules and the said relief shall be

given to him without reference to this Tribunal.

With the aforesaid observations/directions,  
this O.A. is disposed of. No costs.

  
(S.P. Biswas)  
Member (A)

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)

/vv/