

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO.2143/94

New Delhi, this the 5th December, 1994

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri S.R. Adige, Member (A)

Shri Narian Lal Sharma,
s/o late Shri Bhagwati Lal Sharma,
r/o RZ-4B/266, M-Block,
West Sagarpur, New Delhi.

Presently serving at
Vehicle Depot Workshop,
EME, Delhi Cantt.

... Applicant

By Advocate: Shri S.L. Pal

Vs.

1. Union of India
through Secretary,
Ministry of Defence,
Govt. of India,
South Block, New Delhi.

2. Director-General, EME
Army Headquarters,
New Delhi.

3. Commanding Officer
Vehicle Depot Workshop,
EME, Delhi Cantt.

4. Avinash Chand
No.14691082-M, SCM,
Vehicle Depot Workshop, EME,
Delhi Cantt.

... Respondents

By Advocate: Shri B. Lall

ORDER (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

The applicant is a chargeman working under
Commanding Officer, Vehicle Depot Workshop, EME, Delhi
Cantt. The applicant is alleged as the seniormost
position in the seniority list of Chargeman and his
seniority number is 27. His grievance is that
Respondent No.4 Avinash Chand who is at serial number

...2.

29 in the said seniority list is in the panel of the select list and will be promoted in such manner the applicant shall stand superceded. On this grievance the applicant filed this application on 7.10.94 and he has prayed for the grant of the reliefs that Respondent No.4 be not promoted from the grade of SCM-1 cadre to Foreman. The applicant has also prayed that direction be issued to the respondents to produce the relevant seniority list dated 1.11.93 and promotion list dated 6.9.94 released by the EME, Secunderabad so that the matter can be decided earlier.

2. The Bench vide its order dated 27.10.94 issued notice to the respondents. The respondents however did not file any reply and on 10.11.94 Shri B. Lall appeared for the official respondent Nos. 1 to 3. However time was granted. But no reply was filed, so the matter was taken on 15.11.94 for hearing of interim relief. On 15.11.94 also no reply was filed by the official respondents and on that date the counsel for the respondents Shri B. Lall gave a statement that the number of vacancies at present is limited and therefore, Avinash Chand, Respondent No.4 is not going to be promoted within the next six weeks. By the time the reply will be filed. The matter therefore has been adjourned to 18.1.95. However on 27.10.94 the Tribunal has also fixed the date for completion of pleadings and listing of the matter before the Bench on 5.12.94. In view of this we heard the learned counsel of the parties at length on admission. The learned counsel for the respondents Shri B. Lall further prayed time for filing the reply. We also desired that the proceedings of DPC be placed before us. However on going through the file and its annexures we found that applicant without making any representation to the respondents has filed this application for judicial review. It is not denied by the counsel for

the applicant that promotion from the post of Chargeman-I to the post of Foreman is by way of selection and that selection has taken place and the panel has been prepared on 5.9.94. The learned counsel for the applicant however argued that applicant has not been informed by the respondents as to in what circumstances the applicant has not been placed on the panel of the select list. In view of this we find that the application is pre-mature and the applicant is directed to file a representation to the respondents for his non-promotion from the post of Chargeman-I to the post of Foreman. The learned counsel for the respondents agrees and give a statement at the bar that till the disposal of the representation of the applicant the Respondent No.4 shall not be given any promotion and posting on the post of Foreman. It is expected that Respondents will carry out the assurance given by the learned counsel for the respondents before the Bench. The application is therefore dismissed with the observation that the applicant shall make a representation to the respondents i.e. competent authorities assailing his grievance of non-enlistment in the select list of panel for the post of Foreman prepared by the respondents and notified on 5.9.94. If such a representation is made by the applicant within 4 weeks from today, the respondents shall dispose of the same within 3 months thereafter. A copy of such representation may also be given to the counsel for respondents Shri B. Lall who may forward the same to the competent authority mentioning therein the assurance he has given to the Bench that the person junior to the applicant respondent No.4 shall not be promoted till the disposal of the representation.

2. If the applicant, after he has ^{been} conveyed the reply by speaking order regarding non enlistment in the select list of panel and still aggrieves may assail his grievance afresh if so advised according to law by filing a fresh application. Cost on parties.

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(S.R. ADIGE)
Member (A)

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(J.P. SHARMA)
Member (J)

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