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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. 2527/94

New Delhi, this the 21st December, 1994

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri B.K. Singh, Member (A)

Shri Kartar Singh Dahiya,
s/o Shri Sri Chand,
Aged about 51 years,
r/o Village Turkpur,
P.O. Mandaure,
Distt. Sonapat (Haryana) and
working as Superintendent Brides/Roads
Grade I, MES No. 412052,
Office of C.W.E. (AF), Palam,
Delhi Cantonment.

... Applicant

By Advocate: Shri B.S. Mor alongwith
Ms. Kusum Singh

Vs.

Engineer-in-Chief,
Engineer-in-Chief's Branch,
Co-ord & Personnel, Directorate/EIR(O),
Army Headquarters,
DND, PO, New Delhi.

... Respondents

O R D E R (ORAL)

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

The grievance of the applicant is against the seniority-list published in April, 1994 of Supdt. B/R Grade-I where the applicant has been shown at S.No.121. The applicant has filed a representation in June, 1994 followed by another representation in August, 1994 and since he was not furnished any reply by the respondents, he filed the present application in November, 1994. The relief claimed by the applicant is that a direction be issued to the respondents to take action on the representation of the applicant of August, 1994 and that the representation be disposed

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of and that no action towards initiation of promotion be taken by the respondents on the basis of All India Seniority list of Supdt.B/R, Grade-I.

2. We heard the learned counsel for the applicant at length. The contention of the learned counsel is that the date of regularisation of the applicant is September 1985 while certain persons have been above S.No.121 have their date of regularisation much later than September, 1985 and they have been placed above in the seniority list while according to applicant the date of regularisation should have been determined the birth in the seniority list.

3. We have not been taken through any recruitment rules as they have not been annexed as to what is the mode of induction in the service i.e. Supdt. B/R Grade-I nor there is any such averment made in the application itself.

4. However, we do find that the representation of the applicant has not been replied to by the respondents but the applicant has come prematurely before the Tribunal as six months statutory period in waiting has not been observed before filing this application on 23.11.94. Though no copy of the representation dated June 1994 has been filed but looking the representation of August, 1994 where there is a mention of earlier representation said to have been forwarded. Even though this application is hit by section 20 of the A.T. Act, 1985 and is premature.

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5. We, therefore, hold this application as premature observing that the respondents to consider and dispose of the representation as expeditiously as possible and if the applicant is still aggrieved by the final order then he will have the right to assail the same and this order will not come in his way. The application is disposed of accordingly with no order as to costs.

(B.K. SINGH)
MEMBER(A)

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(J.P. SHARMA)
MEMBER(J)

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