

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No.2597/94

NEW DELHI, THIS THE 20<sup>th</sup> DAY OF AUGUST, 1999.

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HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN  
HON'BLE MR.N.SAHU, MEMBER(A)

Shri B.Bandopadhyay  
S/o Sh.K.P.Banerji  
Foreman Tech.  
Section F.E. 'B'  
Gun Carriage Factory  
Jabalpur.

....Applicant

(None)

vs.

1. Union of India through  
Secretary, Defence Production  
and Supplies, Ministry of Defence  
New Delhi.
2. D.G.O.F. & Chairman  
O.F.B., 10-A, Auckland Road  
Calcutta.
3. General Manager  
Gun Carriage Factory  
Jabalpur. ....Respondents

(None)

ORDER

JUSTICE K.M.AGARWAL:

When this case was listed for final hearing on 10.8.1999, no one appeared on either side and, therefore, with a view to decide the case on merits as per the Central Administrative Tribunal (Procedure) Rules, 1987, instead of dismissing it in default, it was closed for orders. When we started going through the papers, it transpired that this O.A. was initially filed with the Jabalpur Bench of the Tribunal in 1993 and was registered as O.A. No.276/1993. It was subsequently transferred to the Principal Bench and registered as O.A.No.2597/94 for hearing along with similar other cases which were to be heard by a Full Bench. The Full Bench heard the various cases, including the present O.A. and by a common order

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dated 22.12.1995 in O.A. No.2601/94 and connected cases, this O.A. was also disposed of by making the following directions in paragraph 81(iv) of the order:-

"OA No.276/93(Jabalpur Bench) K.D. Roy and another vs. U.O.I. & others) renumbered as OA No.2597/94(PB).

This is somewhat different from the cases mentioned above. This case is similar to OA No.350/93 (Jabalpur Bench) ( H.S.Ramamoorthy & Anr. vs. U.O.I & Ors.) referred to in the referral order dated 12.8.1993 of the Jabalpur Bench. That OA has already been disposed of by the Full Bench sitting at Jabalpur by the judgement dated 16.12.1994 (page 179). The orders of promotion of the applicants to the post of Foreman (i.e. Annexure A-4 and Annexure A-5) are based on the seniority list of 24.7.1987 (Annexure A-6). Therefore, they ought not to have been affected by the order of the Calcutta Bench of the Tribunal dated 30.12.1991 in OA No.99/91 (Sudhir Kumar Mukherjee & others vs. U.O.I & ors.) which is based on the fact that the seniority list dated 27.7.1989 has been cancelled by Government. It is in similar circumstances that the Full Bench which decided OA No.350/93 (Jabalpur Bench) had modified the first sentence of para 6 of the judgement in that case to read as follows by adding the emphasised portion, at the end of the sentence so as to restrict its operation:

"Accordingly we allow this application by quashing the promotion orders dated 31.7.89 and 29.9.89 so far as they relate to the private respondents in the case."

This matter was not argued before us. As a similar matter has already been disposed of by the Full Bench in OA 350/93, we direct that this OA be placed before the Division Bench, along with a copy of the judgement of the Full Bench in OA No.350/93 of the Jabalpur Bench (page 179)."  
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2. In accordance with the directions of the Full Bench, this O.A. is also disposed of in terms of the order made by the Jabalpur Bench of the Tribunal in O.A. No.350/93, (H.S.Ramamoorthy & anr. Vs. U.O.I & ors.), dated 16.12.1994. No costs.

  
(K.M.AGARWAL)  
CHAIRMAN

  
(N.SAHU)  
MEMBER (A)