

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 440 of 1994

(5)

New Delhi this the 27th day of September, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN  
HON'BLE MRS. SHANTA SHAstry, MEMBER (A)

Thakur Singh Bhakuni  
Son of Shri Ram Singh Bhakuni,  
R/o 880/7, Pushpa Vihar,  
New Delhi-110033  
Working as Head Clerk,  
Central Translation Bureau,  
Department of Official Languages,  
'B' Block, Paryavaran Bhavan,  
8th Floor, Lodhi Road,  
CGO Complex,  
New Delhi. ....Applicant

(By Advocate: Shri U.S. Bisht)

-Versus-

1. Union of India, through  
Secretary to Govt. of India,  
Department of Official Languages,  
Ministry of Home Affairs,  
North Block, New Delhi.
2. Director, Central Translation Bureau,  
Department of Official Language,  
'B' Block, Paryavaran Bhavan,  
CGO Complex, Lodhi Road,  
New Delhi-110 033. .... Respondents

(By Advocate: Mrs. C.M. Chopra)

O R D E R (Oral)

By Reddy, J.

Heard the learned counsel for the applicant  
and the respondents.

2. The applicant was appointed as Lower  
Division Clerk (LDC) on 6.6.1972 in the office of  
the Central Translation Bureau, Ministry of Home  
Affairs. On 10.9.1976 he was selected and promoted  
to the next higher grade of Upper Division Clerk  
(UDC) on successfully qualifying the competitive

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examination. The respondent circulated the seniority list of UDCs in 1977 and 1979. It is stated by the applicant that in the seniority list circulated on 27.3.1987, the applicant's name was correctly shown at S1.No.3 in accordance with rules. The above seniority list was however provisional. On the receipt of the representations and on consideration of the same the respondents finalised the seniority list and circulated vide impugned circular dated 11.2.1994. The applicant's seniority has been, according to the applicant, depleted to S1.No.7 in the final seniority list as on 1.3.1987. The grievance of the applicant is that the respondents have not followed the Recruitment Rules and applied the quota of 75% : 25% between the promotees and the employees who had been selected on the basis of competitive test. It is contended by the learned counsel for the applicant that the depletion of the seniority of the applicant after five years without issuing notice to the applicant and without following the Recruitment Rules, is illegal. The learned counsel for the respondents however submits that the seniority list published on 27.3.1987 was only provisional and after the receipt of the representations from several employees, the final seniority list had been circulated vide the impugned circular. It is contended that the applicant, having been promoted by way of selection in 1976, was correctly shown in the seniority list but the employees who had been promoted earlier to

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the applicant and who had been wrongly shown in the earlier provisional seniority list have now been brought up and they were rightly shown as seniors to the applicant. It is also contended that the applicant having been promoted in 1976, cannot question the promotions made earlier to him and that in the impugned seniority list the applicant's date of appointment was correctly shown and the same has not been altered.

3. The relevant Recruitment Rules pertaining to the promotion of UDCs is as under:

"100% by promotion (75% by promotion on the basis of and 25% by promotion by selection on the basis of competitive test), failing which by transfer on deputation."

4. This rule has come into force with effect from 10.4.1972. It is not disputed that the applicant has been promoted by way of selection in the 25% quota on the basis of competitive test on 10.9.1976. It is true that in the provisional seniority list which was circulated on 27.3.1987, his name was shown at S1.No.2. It is curious to notice that the employees who had been promoted earlier to the applicant, i.e. 1971, 1972 and 1974 were shown as juniors to the applicant. It is the case of the respondents that on the representation made by such employees who had been promoted earlier to the applicant, they were considered and their position was corrected <sup>✓ in the</sup> <sub>A</sub> and final seniority list which had been circulated along with the impugned

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circular, they were rightly brought above the applicant. The grievance of the applicant is that the promotion of the persons who are now brought above him is contrary to the Recruitment Rules and in all those vacancies, the employees had been promoted giving a go bye to the Recruitment Rules. In our view, the promotions of the persons who had been promoted earlier to the applicant, cannot be questioned by the applicant. Admittedly the applicant will be eligible for promotion by way of selection in the 25% quota only after putting in three years of service and passing the examination. The applicant having been appointed as LDC on 6.6.1972, he would be completing three years only in 1975. The applicant thus having been found eligible, he would be considered for promotion by way of selection in the 25% quota only after 1975. As far as his date of promotion is concerned, the applicant has no grievance. The applicant had been promoted on 10.9.1976 as shown in the impugned seniority, <sup>we</sup> are at a loss to follow how the persons who had been promoted earlier to him and who have been shown as seniors to him can be challenged by the applicant. How can the applicant claim seniority over the persons who had been promoted earlier to him ? It is not the case of the applicant in this OA that any employee who had been promoted or selected by way of selection or promoted in the 75% quota along with him has been shown above him. In the circumstances, even if the rules have

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been violated as contended by the learned counsel for the applicant, without expressing any opinion on it, the applicant cannot be allowed to question the promotions made to the persons who had been promoted earlier.

5. It is also to be noticed that the applicant has not impleaded any employee who is shown above him in the final seniority list of UDCs as on 1.3.1987 circulated along with the impugned circular. If the applicant seeks seniority over them, it would affect their interests. In our view, those affected persons are the necessary parties in the OA. In the circumstances, the seniority of those employees cannot be disturbed.

6. For the above reasons, the OA fails and is accordingly dismissed. No order as to costs.

*Shanta J-*  
(Mrs. Shanta Shastry)

Member(A)

*V. Rajagopla Reddy*  
(V. Rajagopla Reddy)  
Vice Chairman(J)

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