

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O. A. NO. 1022/2000

New Delhi this the 7th day of February, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Smt. Jaishree Nathani W/O D.H.Nathani,  
working as Assistant in ICPO,  
Indian Council of Medical Research,  
Ministry of Health & Family Welfare,  
MAMC Campus, New Delhi-110002 and  
R/O D-151, Sarojini Nagar,  
New Delhi. ... Applicant

( By Shri B.Krishan, Advocate )

-versus-

1. Union of India through  
Secretary, Ministry of  
Health & Family Welfare,  
Nirman Bhawan, New Delhi.
2. Director General,  
Indian Council of Medical Research,  
Ansari Nagar, Ring Road,  
New Delhi-29.
3. Officer-in-Charge,  
Institute of Cytology and  
Preventive Oncology,  
Maulana Azad Medical College Campus,  
Bahadurshah Zafar Marg,  
New Delhi-110002.
4. Smt. Madhu Bala Ohri,  
Assistant in Institute of Cytology  
and Preventive Oncology  
Maulana Azad Medical College Campus,  
Bahadurshah Zafar Marg,  
New Delhi-110002. ... Respondents

( By Shri V.K.Rao, Adv. for official respondents  
& Shri Ranjit Sharma, Adv. for respondent No.4 )

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

By the present OA applicant has sought to impugn  
her seniority vis-a-vis that of respondent No.4 in the  
cadre of Upper Division Clerks (UDCs). Whereas  
applicant had joined as a Lower Division clerk (LDC)

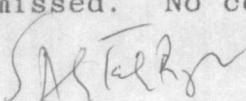
on 8.6.1983, respondent No.4 had joined as such w.e.f. 23.4.1979. Respondent No.4 by an order passed on 24.5.1982 was appointed to the post of UDC on ad hoc basis w.e.f. 18.5.1982. Applicant in turn was appointed as UDC on regular basis w.e.f. 9.12.1983. By an order passed on 22.12.1984 respondent No.4 was appointed as UDC on regular basis w.e.f. 16.12.1984. Based on the aforesaid appointment of respondent No.4 as UDC <sup>on regular basis</sup> from a date later than the date on which applicant was appointed as such, applicant seeks seniority over that of respondent No.4.

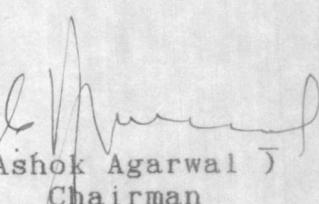
2. A final seniority list was published on 30.5.1986 wherein respondent No.4 has been shown senior to applicant. Applicant raised her dispute in regard to ~~the~~ aforesaid seniority vis-a-vis respondent No.4. By an office order passed on 25.5.1989 a decision was taken to accord respondent No.4 seniority over that of applicant. The decision was communicated to applicant by a letter of 12/13.6.1989. Both applicant as also respondent No.4 were promoted to the post of Assistant on ad hoc basis by an office order of 17.4.1996. On being promoted, applicant once again appears to have staked her claim of seniority. By an office order of 4/5.1.2000 the earlier decision taken in the year 1989 according respondent No.4 seniority over that of applicant was reiterated. Aforesaid decision is impugned by applicant in the present OA.

3. We have heard the learned counsel appearing for the contending parties and we find that

respondents 1 to 3 appear to have accorded respondent No.4 seniority over that of applicant on the basis of her having joined as a UDC on ad hoc basis w.e.f. 18.5.1982, which is prior to the applicant joining on 9.12.1983. According to respondents 1 to 3, on respondent No.4 being appointed as UDC on regular basis w.e.f. 16.12.1984 she has been found to be entitled to regularisation of her appointment from the date of her initial appointment on ad hoc basis w.e.f. 18.5.1982. The dispute regarding their inter se seniority, we find, was finally settled by the decision taken by respondents 1 to 3 way back on 25.5.1989 and communicated to applicant on 12/13.6.1989. The said position of seniority has also been reflected in the final seniority list which was published on 30.5.1986 a copy whereof was also duly served on the applicant. Applicant, in the circumstances, is found to have taken no steps to impugn the aforesaid decision taken way back in 1989. Merely by reiterating her claim after their promotion to the post of Assistant, aforesaid stale claim cannot be permitted to be revived at this belated stage. Matters of seniority which have been settled long back cannot be permitted to be disturbed after lapse of such a long period.

4. Present OA, in the circumstances, we find, is devoid of merit and the same is accordingly dismissed. No costs.

  
( S.A.T. Rizvi )  
Member (A)

  
( Ashok Agarwal )  
Chairman

/as/