

(37)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

1. OA 1406/89 .. Date of decision: 11.05.93

Sh. S. Badarinarayanan .. Applicant

Versus

Union of India .. Respondents

2. OA 1407/89

Sh. E. Sunder Raju .. Applicant

Versus

Union of India .. Respondents

3. OA 1409/89

Sh. T. Satyanarayana .. Applicant

Versus

Union of India .. Respondents

4. 1410/89

Sh. S. B. Narula .. Applicant

Versus

Union of India .. Respondents

5. OA 1418/89.

Sh. V. K. Gupta .. Applicant

Versus

Union of India .. Respondents

6. OA 2520/89

Sh. E. Sunder Raju .. Applicant

Versus

Union of India .. Respondents

For the applicants .. None

For the respondents .. None

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Hon'ble Sh. A.B. Gorthi, Member (A)

Hon'ble Sh. C.J. Roy, Member (J)

1. Whether Reporters of local papers may be allowed to see the judgement?

2. To be referred to the Reporters or not?

JUDGEMENT (Oral)

(Delivered by Hon'ble Sh. A.B. Gorthi, Member (A))

The facts of all the aforesaid cases and the questions of law raised therein are common. All these cases are to be disposed of after the decision of the Full Bench is obtained in a similar Group of cases. We now find that the Full Bench vide a common judgement dated 05.02.93 decided the cases, the leading case being that of Sh. Ashok Mehta and Others Vs. Regional Provident Fund Commissioners and Others. The Full Bench in its judgement inter alia, observed:

(a) The officers promoted on the basis of seniority subject to the rejection of unfit and those promoted on the result of the competitive examination shall be treated as promotees;

(b) Their inter-se seniority has to be determined on the basis of their total length of service which will be reckoned from the actual date of their promotion in accordance with the relevant recruitment rules.

Based on the aforesaid judgement of the Full Bench, a Division Bench of the Tribunal in OA Nos. 1405/89, 1406/89, 1595/87, 1596/87, 1599/88 and TA No. 43/87 disposed of similar matters by judgement dated 24.2.93.

The group of cases listed before us are similar to those referred to above. Accordingly, similar to the directions already given by the Division Bench in some other cases, we dispose of this group of applications with the following directions :

(a) The seniority list of the applicants shall be recasted, if not already done, in pursuance of the decisions of the Tribunal referred to above, following the principles laid down by the Full Bench;

(b) A provisional seniority list shall first be prepared within a period of 3 months from the date of receipt of the judgement and circula-

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ted to all persons likely to be affected by the same, inviting objections giving them reasonable period of not less than one month for that purpose.

(c) After considering the objections received to the provisional seniority list, a final seniority list shall be prepared and published with utmost expedition and strictly in accordance with the principles laid down by the Full Bench;

(d) In the light of the final seniority list prepared following the aforesaid directions, a review of promotions shall be undertaken with utmost expedition;

(e) Consequential monetary benefits flowing from the review of promotion shall be restricted to the period from the date of pronouncement of the opinion of the Full Bench on 5.2.93, having regard to the fact that there was uncertainty in regard to the correct principles to be followed in the matter of preparation of seniority list.

There shall be no order as to costs.

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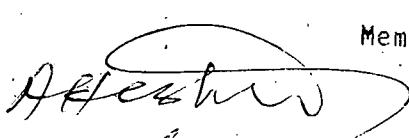
Let a copy of this order be placed in all the
case files listed together.

(C. J. Roy)

Member (J)

(A. B. Gorth)

Member (A)




Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Faridkot House,
Copernicus Marg.