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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

O.A.243/88.

Date of decision: 1.6.1993

D.K. Chitgopkar.

Petitioner.

Versus

Union of India & Ors.

Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER(A).

For the Petitioner.

None.

For the Respondents.

Mrs Raj Km. Chopra,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

None appeared for the petitioner. As this is a very old matter, we thought it proper to peruse the record, hear the learned counsel for the respondents Mrs. Raj Kumari Chopra and dispose of the case on merits.

2. The prayer of the petitioner is for a direction to revise the seniority in the grades of DNSO and NSO in the light of revision of his seniority in the grade of ANSO pursuant to the direction of the Tribunal issued on 11.3.1987 passed in T-56/86 and on such revision of his seniority in the grade of NSO to effect petitioner's promotion in the grade of SNSO retrospectively from the date on which he ought to have been promoted to the grade,
had his seniority been correctly fixed earlier

and to give all consequential benefits to him as may be due in accordance with law. The second prayer of the petitioner is for a direction to the respondents not to implement the order dated 29.12.1987 transferring the petitioner from Bombay to Vishakhapatnam until his seniority in the grade of NSO is revised and he is given due place in the grade of SNSO.

3. The second prayer can hardly flow from any legitimate right of the petitioner. The petitioner cannot say that he cannot be transferred from one place to another until the seniority of some juniors is settled. The transfer cannot be postponed merely because the dispute of seniority among the Government servants is pending. If the second prayer is accepted it will virtually affect the position of transfer. The first prayer is for a direction to revise the seniority of the applicant in pursuance of the direction of the Tribunal in its judgement dated 11.3.1987 rendered in T-56/86. The seniority of the petitioner is required to be determined taking into account the Army Service rendered by him. If as a consequence of the said service being counted, he becomes entitled to a higher position, it is obvious that the same has to be reflected not only in the seniority list but for further promotion as well.

4. The respondents have taken the stand that the ~~effect~~ ^{benefit} of the Army Service has been given to him and that so far as his case for consideration of further promotion is concerned, his case is being placed before a duly constituted DPC. If steps have not been taken for processing the case of the petitioner, we direct that the same shall be done expeditiously and the reliefs flowing from the same granted. The application is disposed of accordingly. No costs.

B. N. Dhoundiyal
(B. N. DHOUNDIYAL)

MEMBER(A)

V. S. Malimath

(V. S. MALIMATH)
CHAIRMAN

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