

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA No.974/88

Date of decision:22.9.93

Shri Sunder Lal

Vs. U.O.I. & others

CORAM:

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

Hon'ble Shri B.K.Singh, Member(A)

For the applicant .. None

For the respondents .. Shri P.P.Khurana

JUDGEMENT(ORAL)

(Delivered by Hon'ble Member(J) Shri C.J. Roy)

Heard the learned counsel for the respondents Shri P.P.Khurana. We have also perused the records. The applicant in this case has claimed a relief to the effect that the seniority list of Upper Division Clerks circulated vide letter dated 27.3.87 be quashed and the final seniority lists already issued in 1973 and 1979 and held valid till date be directed to be maintained.

2. The brief facts of the case are that the applicant originally joined the Central Hindi Directorate in 1963 as a Group D employee and he was promoted as Lower Division Clerk from 16.5.68 as alleged by him. After the setting up of Central Translation Bureau under the Ministry of Home Affairs, it is alleged, the staff working in the Central Hindi Directorate were transferred to the Central Translation Bureau. Thus, the applicant alongwith four other persons, in their order of seniority as detailed below, were transferred to the Central Translation Bureau:

(S)

1. Smt. Kamla Pujara
2. Shri R.S. Bansal
3. Shri Lakshmi Singh
4. Shri Harpal Singh
5. Shri Sunder Lal (applicant)

3. The applicant states that after he was promoted to the post of UDC with effect from 1.1.72, the Government notified Recruitment Rules on 10.4.72 for the post of UDC which provide for "100% by promotion (75% by promotion on the basis of seniority-cum-fitness and 25% by promotion by selection on the basis of competitive test), failing which by transfer on deputation".

4. The applicant claims that while he was promoted as UDC from 1.1.72, Respondent 3 was promoted as UDC only from 10.9.76. He also claims that the seniority list issued in 1973 and 1979 are correct and his placement is properly shown but the seniority list issued on 27.3.87 pushing him down below his juniors is wrong.

5. It is stated in the counter that the seniority list issued on 27.3.87 is only provisional in nature and that the respondents have received several objections, including from the applicant, which are under consideration and also that while it is under consideration the applicant has approached the Tribunal. The learned counsel for the respondents also feels that the application is premature when they have assured that they are considering the case of the applicant. The only question remains is how much time it would take.

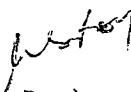
(9)

6. We feel that the respondents contention that the seniority list is only provisional is borne out by the letter dated 21.4.87 (Annexure V) by the applicant raising objections to the seniority list. The other allegations and counter allegations are not germane to the issue.

7. In the circumstances, we feel that a direction may be issued to the respondents to complete the exercise of finalisation of the seniority list in accordance with the rules on the subject within a period of four months from the date of receipt of this judgement by them.

8. With this direction, the application is disposed of with no order as to costs. However, the applicant is given the liberty of approaching the Tribunal again in case he is aggrieved by the final seniority list to be issued by the respondents.


(B.K. Singh)
Member (A)
22.9.93


(C.J. Roy)
Member (J)
22.9.93