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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 334/86 198
T.A. No.

DATE OF DECISION 11.8.88

Shri D.N. Srivastava Petitioner

Applicant in person Advocate for the Petitioner(s)

Versus

Union of India and another Respondent

Shri N.S. Mehta Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN (J)

The Hon'ble Mr. S.P. MUKERJI, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? Y
2. To be referred to the Reporter or not ? Y
3. Whether their Lordships wish to see the fair copy of the Judgement ? N

S.P.M.
11.8.88
(S.P. MUKERJI)
ADMINISTRATIVE MEMBER

DK
(P.K. KARTHA)
VICE CHAIRMAN (J)

1024
O.A. 334/86

Date: 11.8.88

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICECHAIRMAN(J)

THE HON'BLE MR. S.P. MUKERJI, ADMINISTRATIVE MEMBER

(Majority judgment pronounced on 11.8.88
by the Division Bench consisting of
Hon'ble Vice Chairman Mr.P.K. Kartha
and Hon'ble Member Shri S.P. Mukerji)

Judgment based on majority view.

The view expressed by Mr. Justice G. Ramanujam,
Vice-Chairman was as follows:-

" The application is, therefore, allowed
and the respondent is directed to place the
applicant above the 64 'temporary Officers'
officiating in temporary posts on February 18,
1979 by revising the impugned seniority list,
within a period of two months from today.
No order as to costs".

The dissenting view of Shri S.P. Mukerji,
Administrative Member of the original Bench concluded
as follows:-

" The application before us, therefore, has
to be dismissed with the only direction that
in reckoning the length of continuous
officiation for the purpose of seniority,
only the continuous, regular and non fortuitous
officiation put in by Select List Officers
should be taken into account."

The concluding views of Vice-Chairman, Mr. Justice
J.D. Jain to whom the case was referred under Section 26

of the Administrative Tribunals Act, 1985 are as follows:-

" In other words, I concur in the conclusion arrived at by Shri Mukerji, A.M., although I am inclined to subscribe to the reasons advanced by him in support of the conclusion in all respects. To sum up, therefore, I find no merit in this application, besides, of course, its being barred by the principle of constructive res judicata. It is, accordingly, dismissed, leaving the parties to bear their own costs."

we direct that
In view of the majority opinion the application is

is dismissed leaving the parties to bear their own costs.

S.P.M.
11.8.88
(S.P. MUKERJI)
ADMINISTRATIVE MEMBER

Answered
11.8.88
(P.K. KARTHA)
VICE CHAIRMAN