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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. O.A. 673/86.

DATE OF DECISION: 9.11.1992.

Inder Sain Sehgal.

..Petitioner.

Versus

Union of India & Ors.

..Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the petitioner. None.

For the Respondents. None.

JUDGEMENT(ORAL)

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

None appears either for the petitioner or for the respondents. As this is a very old matter, we have perused the records and ^{are} disposing of this case on merits.

2. The petitioner has prayed in this application for a direction to Respondent No. 2 to place him in the seniority list of LDCs between Shri Amir Ahmed, who is at Serial No. 49 and Smt. Surjit Kaur Gupta, who is at Serial No. 50. He has further prayed for a direction to frame the list for the purpose of selection grade of LDCs only after his name is correctly placed, as prayed for by him, in the first prayer. Hence, it is clear that the principal grievance of the petitioner is in regard to the ranking assigned to him in the cadre of LDCs. The petitioner himself has produced a copy of the seniority list dated 27.12.1985. That is obviously a provisional list and the objections have been invited. The respondents

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have taken the stand that so far as relief regarding assignment of the seniority in the cadre of LDCs is concerned, it is premature as no decision has been taken by the respondents on the provisional list under office order dated 27.12.1985. The objection in this behalf is sound and, therefore, merits acceptance.

3. The respondents have also asserted that the petitioner in the guise of getting the seniority list corrected is trying to render the order of confirmation ineffective without challenging the same. The petitioner was confirmed by an order dated 25.3.1982. He made a representation about the date of confirmation, as, according to him, he is entitled to much earlier date of confirmation. That application was examined and it was rejected by an order dated 19.4.1983. The said decision has become final and conclusive. The petitioner without challenging the order of confirmation has simply sought to challenge the order of the ranking given in the provisional seniority list. For the purpose of securing an appropriate ranking, he takes the stand that the date of confirmation given to him w.e.f. 21.1.1982 is wrong and that he should have been confirmed with effect from the year 1968. We are afraid that this indirect challenge in the present proceedings is not permissible. The order of confirmation has become final and conclusive, the challenge to the same having failed as is clear from the order dated 19.4.1983. Apart from these facts that these orders are not challenged by him, he cannot question to correct the same in the present proceedings filed/such a long time in the year 1986. Besides, the petitioner has not impleaded the persons above whom he claims seniority.

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4. As the second relief flows as a consequence of the first relief and as he has not made out any case in these proceedings in respect of the first relief, the question of considering the second relief does not arise.

5. Looked at from any angle, the petitioner cannot be granted any relief. The petition fails and is accordingly dismissed. No costs.

Malimath

(I.K. RASGOTRA)
MEMBER(A)

Malimath

(V.S. MALIMATH)
CHAIRMAN

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