

6

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. No.1666/87.

Date of decision: 20.04.1993.

Dr. R.C. Dhingra

...

Petitioner

Vs.

Union of India
through
Secretary,
Ministry of Defence,
New Delhi & anr.

...

Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.

THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER (A).

For the petitioner

...

Shri M.N. Sehgal,
Counsel.

For the respondents

...

Shri P.H. Ramchandani,
Senior Counsel.

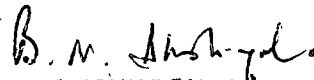
JUDGMENT (ORAL)


(BY HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN)

The grievance of the petitioner Dr. R.C. Dhingra arises out of the judgment rendered by the Principal Bench of the Tribunal in OAs 41 and 79 of 1986 on 22.8.1986. In para 102 of the said judgment a direction had been issued to prepare a fresh seniority list in the light of the principles enunciated therein for the cadre of Assistants and on the basis of the revised seniority list to prepare a fresh panel of promotion within the specified period. Though the petitioner was not a party to the said proceedings, the direction being general in nature to certain extent comes to his benefit as well. He has come to the Tribunal with a case that proper seniority list has been prepared in accordance with the judgment and he has been assigned proper rank and that a panel on promotion for the year 1980-81 has been prepared as per Annexure 'D' in which

the petitioner's name finds place at Sl.No.76. The said panel is dated 2.11.87. The petitioner's grievance is that persons below him in the said panel at Sl.Nos. 78 to 81 have not only been granted promotion to the cadre of Assistant Civilian Staff Officer earlier than the petitioner but further promoted as Civilian Staff Officer. The petitioner in the circumstances claims that he should be granted the same benefit as accorded to his juniors. Shri P.H. Ramchandani, Senior Counsel appearing for the respondents invited our attention to the fact that the respondents were required to redo the entire process in the light of the directions issued in several other cases. He placed for our perusal the fresh select lists of Assistants for promotion to the cadre of Assistant Civilian Staff Officer in the year 1980-81 notified on the 15th March, 1989. This obviously supersedes Annexure 'D' dated 2.11.87 relied upon by the petitioner. The petitioner's name finds place in this list at Sl. No.88. On the basis of the same, the petitioner has been given promotion as Assistant Civilian Staff Officer with effect from 2.3.81 in modification of the one assigned by the earlier order dated 2.11.87. So far as the alleged juniors to the petitioner namely, S/Shri Ashok Kumar Malik, K.D. Sharma, R.Karuppiah and U.K. Widhani are concerned, we find from the order produced dated 15.3.89 that all of them have been placed below the petitioner at Sl.Nos.139 to 142. In view of this subsequent event, it is clear that the juniors of the petitioner have since been pushed down and the legitimate seniority of the petitioner has been duly reflected. It is on that basis that he has been given promotion to the grade of Assistant Civilian Staff Officer with effect from 2.3.81. Orders were also placed for our perusal indicating the revised fixation.

of pay of the petitioner and for payment of difference of the emoluments due to the petitioner on that basis. It is, therefore, clear that the grievance with which the petitioner came to this Tribunal in these proceedings now stands redressed to a considerable extent by the subsequent orders adverted to above during the pendency of these proceedings. The only other grievance that requires investigation is about the petitioner's further promotion to the cadre of Civilian Staff Officer. Under the relevant rules, 8 years approved service in the feeder cadre is required for earning eligibility. The petitioner actually retired from service on 30.9.88 before he could earn eligibility for promotion to the said grade. However, it was pointed out by the learned counsel for the petitioner that some of his juniors were promoted even though they had not completed the requisite period of 8 years' approved service. It was explained to us that that was done having regard to the emergent situation as a stop-gap arrangement by reducing the eligibility criteria from 8 years to 4 years' service. But it is necessary to note that the persons who had secured that benefit have now been pushed down in the cadre of Assistant Civilian Staff Officer and placed below the petitioner. Hence, no grievance subsists which needs examination in this case. This petition fails and is dismissed. No costs.


(B.N. DHOUNDIYAL)
MEMBER (A)


(V.S. MALIMATH)
CHAIRMAN