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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGD. No. RA 105/87
OA 483/87

DATE OF DECISION: 14.1.1988

Shri Govind Menghani and others Applicants

Vs.

Union of India & Others Respondents.

CORAM:- Hon'ble Mr. Justice J.D. Jain, Vice Chairman
Hon'ble Mr. Birbal Nath, Administrative Member.

For the applicant ... Shri N.D. Batra, Advocate

For the respondents ... Shri M.L. Verma, Advocate

ORDER

This is an application for review of our order dated 1.10.1987 in O.A No. 483/87. What previously happened in this case was that applicant had challenged the seniority list of Assistant Engineers (E) as circulated on 4.7.1986 annex-ure I thereto. It was further prayed that the applicants be deemed to have been promoted as Assistant Engineer on regular basis from 1978. The grievance of the applicants in brief was that they had been promoted as Assistant Engineers and were entitled to become regular w.e.f. 1978 but that was not done by the respondents wrongly and therefore, their names did not find place in the impugned seniority list.

2. During the pendency of the said application a statement was made by the learned counsel for the respondents that a tentative seniority list had since been prepared as on 1.9.1987 and objections were invited from all the concerned officers. This position was also conceded by the learned counsel for the applicants who was in possession of letter dated 18.9.87 issued by the respondents in this behalf. Accordingly, we passed

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the order that " under the circumstances the present application has become infructuous and petitioner can file a fresh application if he is so advised when the final seniority list is determined. It is also open to the petitioner to approach this court, if and when they make any appointment/promotion without finalising the seniority list".

3. It would appear that the applicants filed objections against the proposed seniority list and the seniority list as proposed seems to have been finalised. Under these circumstances, the applicants have filed this Review application on the ground that the aforesaid order had been passed on a wrong footing altogether.

4. On a consideration of the matter we do not think that there is any substance in submissions made by the learned counsel for the applicants because seniority list dated 4th July, 1986 which was under challenge in O.A No. 483/87 ceased to exist and was not under operation. Instead of that a fresh seniority list had come into existence. It matters little whether the name of the applicants appears in the revised seniority list or not because by challenging the earlier seniority list they will not be able to get effective relief as subsequent events have to be taken into consideration by the applicant on their own. They could well anticipate the possibility of the rejection of the objections filed by the applicants. We allowed the applicant specific permission to file a fresh application against the revised seniority list. Under the circumstances, this review application is misconceived and is accordingly, dismissed.

14/1/88
(Birbal Nath)
Member

(J.D. Jain)
Vice Chairman

Dated:- 14th January, 1988.