

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. RA- 91/91 In
OA-1194/88

Date of decision: 4.3.1992

Shri M.M. Gupta

.... Petitioner

Versus

Union of India through
Controller General of
Accounts

.... Respondents

For the Petitioner

.... Shri T.C. Aggarwal, Advocate

For the Respondents

.... Shri P.H. Ramchandani, Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporters or not? *M*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The petitioner in this R.A. is the original applicant in OA-1194/88 which was disposed of by judgement dated 5.4.1991. The petitioner had prayed that his seniority should be restored to its original place and that he should be confirmed from the due date with all consequential benefits. The Tribunal saw no merit in the contention of the applicant that merely on the ground of his seniority, he should be confirmed in the post held by him. *2*

2. In the present R.A., the petitioner has stated that he had made two distinct prayers in the main application, viz., (i) that his settled seniority was arbitrarily revised linking with confirmation which was against the principles of law laid down by the Supreme Court, and (ii) that his confirmation was delayed on illegal proposition. The petitioner has stated that the Tribunal has considered one part of the contention raised by him.

3. On carefully going through the records of the case and hearing the learned counsel for both the parties, we are of the opinion that there is no merit in the present petition. The order of seniority is determined by the date of confirmation in accordance with the O.M. dated 22.12.1959 issued by the Ministry of Home Affairs. When the seniority is to be fixed in a particular manner in accordance with the Administrative Instructions^{issued} by the Government, the rulings relied upon by the petitioner will not be relevant. The petitioner has also not challenged the validity of the said O.M. In the circumstances, the R.A. is dismissed. There will be no order as to costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal)
Administrative Member

P.K. Kartha
4/3/92
(P.K. Kartha)
Vice-Chairman(Judl.)