

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1853 of 1991

New Delhi 19.2.97

Shri U.N. Shukla,
Asst. Dir. General,
Monopolies & Restrictive
Trade Practices Commission,
K.G. Marg,
New Delhi.
R/o Vill. & P.O. Koriyan,
Dist. Kanpur,
U.P. APPLICANT
(By Advocate: Shri S.S. Tiwari)

VERSUS

1. Union of India through
the Secretary,
Dept. of Company Affairs,
Ministry of Industry,
Shastri Bhawan,
New Delhi.
2. Director General (I&R),
M.R.T.P. Commission,
Bikaner House,
Shahjahan Road,
New Delhi.
3. Shri Subhash Chandra,
A.D.G. (I&R),
M.R.T.P. Commission,
Bikaner House,
Shahjahan Road,
New Delhi.
(By Advocate: Shri S.M. Arif for R-1&2
Shri N. Ranganathaswamy for R-3)

JUDGMENT

HON'BLE MR. S.R. ADIGE, MEMBER (A)

Applicant has impugned the seniority list
dated 28.6.91 (Ann.A) and dated 14.10.91 (Ann.
B) making him junior to Respondent No.3 Shri
S.Chandra.

2. Consequent upon amendment of M.R.T.P.
Act w.e.f. 1.8.84 offices of Regional
Restrictive Trade Agreements (RTA) and
Directorate of of Investigations (DI) were merged

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into an office of Directorate General of Investigations and Registration (DGIR), and various posts of different categories were also redesignated vide Notification dated 31.7.84, a copy of which was taken on record. Thus applicant who was Asst. Registrar, RRTA, as well as Respondent No.3 who was Asst. Director, DI, both were redesignated as Asst. Director General of Investigation & Registration. Official Respondents sought DOPT's advice as to how seniority should be determined in the event of mergers of two cadres/grades and were advised on 16.12.85 (Ann. IV) that in such cases the relative seniority of mergers is determined with reference to date of appointment to the grade.

3. It is not denied that applicant was appointed in grade of Asst. Registrar (grade Rs.700 - 1300) on 28.10.83 while Respondent No.3 was appointed in the equivalent grade of Asst. Director (Rs.700 - 1300) on 1.2.83 and hence he is senior to applicant in terms of DOPT's advice referred to above.

4. Applicant has contended that the O.M. dated 28.6.91 forwarding seniority list dated 28.6.91 gave him only two days time to represent and both days being holidays his right to represent effectively was also curtailed. While



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Respondents no doubt should have given the parties concerned more time to file their representation, we note that applicant had filed representation dated 2.2.89 to the authorities, before 28.6.91 on the same point viz. claiming seniority above Respondent No.3 which was rejected by order dated 20.2.90 (Annexure I) and this fact was not mentioned by him in his O.A.

5. Under the circumstances, even if more time had been granted to applicant to file his representation to O.M. dated 28.6.91, the ~~result~~ ^{outcome} would have been no different.

6. We see no result to interfere in this matter. The O.A. fails and is dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Member (A)

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