

10

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench
New Delhi

O.A. No.2178 of 1991

New Delhi, dated the 4th Sept. 1995

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri prakash Chand,
LDC/P.V. Section,
Ordnance Factory,
Moradnagar (U.P.)

.... APPLICANT

(None appeared)

VERSUS

1. Union of India through the
Secretary, Ministry of Defence,
New Delhi.
2. The Director General,
Ordnance Factories (OFB)
10-2, Auckland Road,
Calcutta-700001.
3. The General Manager,
Ordnance Factory,
Muradnagar,
U.P.
4. Shri Krishan Vir Singh,
LDC/Cash Section,
5. Shri Ravinder Kumar,
Telex Operator,
6. Shri V.K. Malhotra,
LDC/EDP
7. Shri Om prakash pal,
LDC/Bill Group
8. Shri Ramji Lal,
LDC/Estt. Sec.
9. Shri Rajbir Singh,
LDC/Hindi Cell
10. Raj Kishor Tyagi,
LDC/QC Bond
11. Shri Arun Kumar Gupta
LDC San shop
12. Shri Ajit pal Singh,
LDC/P.V.

(Sl. No. 4 to 12 are C/o
Respondents No.3)

... RESPONDENTS

(By Advocate: Shri V.S.R. Krishna)

A

O R D E R (ORAL)

By Hon'ble Mr. S.R.Adige, MEMBER(A)

In this application, Shri Prakash Chand, IDC, Ordnance Factory, Muradnagar, UP has impugned the seniority list of IDCs dated 1.12.89 (Annexure-A9) and prayed for a direction to quash the inter se seniority by assigning him correct seniority either from the date of joining the factory or the seniority which his predecessor was enjoying in whose place he was transferred as IDC.

2. None appeared for the applicant when the case was called out, even on the second round. Respondents' counsel Shri V.S.R.Krishna was present. As this is a very old case, we thought it fit to dispose it of after perusing the materials on record and hearing respondents' counsel Shri Krishna.

3. The applicant's case is that he was transferred from Western Demand Stationery Depot, Meerut to the Ordnance Factory, Muradnagar, UP at his own request vide Respondents' order dated 11.6.89 (Annexure-A10) and the applicant upon being relieved on 31.5.79, reported for duty at the Ordnance Factory on 1.6.79. The order dated 11.6.79 specifically stated that the applicant's seniority in the grade of IDC would reckon from the date of reporting for duty at Muradnagar i.e. w.e.f. 1.6.79. He states that the seniority list of 1.12.89 was not made available to him earlier and when he came to know of it in January, 1990 he immediately represented against the incorrect determination of his seniority as persons between Sl.Nos.14 to 28 who were appointed as IDC by direct recruitment /

12

promotion after the applicant's date of reporting for duty had been made senior to him. He also contends that it has been the practice in the organisation to fix seniority from the date of joining duty and the seniority of transferees R.K. Jaitly Sl. No. 11 and Kehar Singh Sl. No. 13^{was deputed} but discriminatory treatment has been meted out to him.

4. The respondents in their reply have contested the O.A. Shri Krishna has invited our attention to the contents of the O.A. wherein it has been pointed out that the applicants' contention that persons at Sl. Nos 14 to 28 in the seniority list of IDC's as on 1.12.89 as having been wrongly shown above him is incorrect. From the seniority list of IDC's dated 1.12.89 (Annexure-4) persons at Sl. Nos 21, 23, 24, 26 and 28 were promoted from the post of Checker to IDCs w.e.f. 24.5.79, i.e. earlier to the date of joining of the applicant, and while the others were appointed/recruited after the applicants arrival, they were selected (emphasis supplied) in May, 1978 and as such their seniority had to be reckoned from the date of their selection vide Paragraph 7 (iii) of Home Ministry's O.M. dated 22.12.59 which lays down the principles for determining the seniority of various categories of persons employed in Central Services.

5. In the rejoinder, the applicant has sought support from the Hon'ble Supreme Court's judgment in K. Madhavan Vs. UOI - 1987 (5) ATC 91 SC, but that ruling has no application to the facts of the present case, as the applicant came to the Ordnance

13

is not in the public interest
Factory, Muradnagar/ but at his own request and
it is well settled that those seeking transfer at t
their own request are place below all direct recruits
or promotees, as the case may be, selected on the
same occasion.

6. Under the circumstances, this matter
warrants no interference and the O.A. fails. It
is accordingly dismissed. No costs.

A. V. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
MEMBER (A)

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