

15

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.2608/91

Date of decision: 12.05.1993.

Shri P. Kuppuswami

...Petitioner

Versus

Union of India through the
Secretary, Ministry of
Communication, New Delhi & Others

...Respondents

Coram: The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

Shri M.L. Chawla, Counsel.

For the respondents

Shri P.P. Khurana, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

This Application has been filed by the petitioner praying ~~for~~ that the respondents be directed to promote him to TES Group 'B' post with effect from the date prior to the date of promotion of any JTO who had passed the qualifying departmental examination subsequent to 1978 and adjust his seniority accordingly with all consequential benefits.

2. The learned counsel for the petitioner submitted that consequent to the orders of the Tribunal to redraw the seniority list in accordance with the date on which the JTOs qualified in the departmental examination, the respondents circulated the seniority list on 27.7.92. The name of the petitioner does not appear in the seniority list revised on 27.7.92. He filed a representation pointing out the anomaly vide his letter dated 11.8.92, a copy of which has been placed on record alongwith the rejoinder. The learned counsel for the petitioner further pointed out that identical cases had come up in Court No.I in a contempt matter in OA-1599/87, 1671/87 & 1673/87 etc. on 3.2.1993. The said contempt petition was disposed of with the following order:-

d

16

"In all these cases having regard to the steps taken for implementing the judgement of the Tribunal so far and the submission that some more time is required for completion of work, we consider it just and proper to grant two months' time for the purpose. Some of the petitioners submitted that what has been done is not correct and there are certain anomalies which are required to be corrected. If that is so, they shall bring the same to the notice of the authority in which event the respondents will examine them and if there are anomalies take immediate steps. This shall be done within a period of two months provided these anomalies are brought to the notice of the concerned authority within a week from this date. Such of those who have already brought anomalies to the notice of the authorities need not do again."

3. In view of the fact that the eligibility/seniority list has been redrawn by the respondents in accordance with the order of the Tribunal, the case of the petitioner for seeking relief prayed for does no longer subsists. His grievance now is that his name is not in the seniority/eligibility list so redrawn and according to him this was due to some anomaly or mistake. He filed a representation on 11.8.92 stating that "I am amazed to find that the AILIST-77 does not contain my name, even though I served the department till 4.7.1989 whereafter from 5.7.1989 I was absorbed in TCIL while I was on deputation."

4. It appears to us that consequent to his absorption in TCIL the respondents may have made a mistake in deleting the name of the petitioner in the seniority/eligibility list on the relevant date. Be that as it may, this matter can be disposed of with a direction to the respondents to look into the representation of the petitioner filed on 11.8.92 and examine his claim for placement in the seniority list and advise the result thereof to him within a period of two months from the date of communication of this order. In case the petitioner finds a place in the eligibility/seniority list and

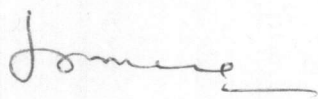
h

17

-3-

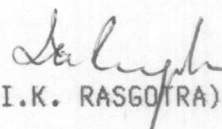
comes within the zone of consideration for promotion, further action may be taken in accordance with the rules to accord him such promotion as may be due to him.

5. The O.A. is disposed of with the above directions.
No costs.



(J.P. SHARMA)

MEMBER(J)



(I.K. RASGOTRA)

MEMBER(A)

San.