

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 713/1991

New Delhi the 9th Day of May 1997.

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Shri S.P. Biswas, Member (A)

Shri Lakhmi Singh
Son of Shri Nand Ram,
Resident of 2028 G Pilanji Kotla,
Mukbarakpur,
New Delhi-110 003.

Petitioner

(By Advocate: Shri Gyan Parkash)

Versus

1. Union of India
through Secretary,
Department of Official Languages
Ministry of Home Affairs,
Government of India,
North Block
New Delhi
2. Director,
Central Translation Bureau,
Government of India,
Paryavaran Bhawan,
C.G.O Complex,
Lodi Road,
New Delhi
3. Shri Sunder Lal,
Central Translation Bureau,
Paryavaran Bhawan,
C.G.O. Complex,
4. Shri N.M.Jha,
U.D.C.
Central Translation Bureau,
Paryavaran Bhawan,
C.G.O. Complex,
New Delhi.

Respondents

(By Advocate: C.M. Chopra)

O R D E R

Hon'ble Dr. Jose P. Verghese, Vice Chairman

The short point that calls for our decision
is whether the seniority of the petitioner who was
confirmed in 1976 is to be calculated from the date of
appointment or from the date of confirmation, vis-a-vis

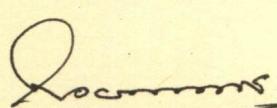
two of his juniors who were confirmed in the 1974 and subsequently made senior to him on the basis of date of confirmation.

2. According to the relevant rules the seniority was to be reckoned in accordance with the date of confirmation only, is an admitted case. The learned counsel for the petitioner submitted that even though the first seniority list on the basis of the confirmation, was made in the year 1979, by an order passed in the year 1987 the respondents treated his previous seniority list as provisional and thereafter in the year 1994 the final seniority list was made. Admittedly, even in the year 1994 the principle adopted to determine the inter-se-seniority was date of confirmation.

3. It was also stated by the learned counsel for the petitioner that the petitioner superannuated in the year 1996 and the only result, even in case the present petition is allowed, is a possible small difference on the last pay drawn and that also in case the juniors to the petitioner had been given any promotion before they were superannuated. It was not clear from the record whether the said juniors who are respondents 3 and 4 in this case were given any promotion. In the circumstances we are not inclined to unsettle the settled position and direct the

respondents to make a roving enquiry as to whether any possible relief could be given to the petitioner who is already superannuated on the basis of any promotion that they might have given to his juniors.

4. In the circumstances especially because the rule of confirmation has been consistently followed in all the cases of seniority and no discrimination has been *prima facie* meted out against the petitioner, we are inclined to disallow this OA. Ordered accordingly. O.A. is dismissed. No costs.



(S.P. BISWAST)
Member(A)



(DR. JOSE P. VERGHESE)
VICE-CHAIRMAN(J)

MITTAL