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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1006/91

New Delhi: this the 13th day of April, 1998

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

HON'BLE MR.T.N.BHAT, MEMBER(J)

Shri K.L.Gandhi,
L.S.I Section.

2. Shri Vipin C.Tripathi,
Enforcement Section

Office of the Chief Labour Commissioner
(Central), Ministry of Labour, Shram
Shakti Bhavan,
New Delhi- 110001.

(None appeared)

....Applicants.

Versus

1. Union of India through

Secretary to the Govt. of India,
Ministry of Labour,
Shram Shakti Bhavan,
Rafi Marg,
New Delhi - 110001.

2. Department of Personnel & Training,
North Block,
New Delhi - 110001.

3. Shri Maha Singh and others

(as per list at Appendix I)
through the Secretary,
Ministry of Labour, Shram Shakti Bhavan,
New Delhi. Respondents.

(By Advocate: Shri P.H.Ramchandani)

ORDER(DR AL)

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN (A)

Applicants seek quashing of draft
seniority list of 1991 and finalisation of
draft seniority list of UOCs of 1989. It is
also prayed that the applicants be promoted as
Assistants from the date their juniors in the
finalised seniority list of 1989 have been
promoted with consequential benefits.

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2. None appeared for the applicants even on second call. Shri Ramchandani appeared for the respondents and was heard.

3. This is a 1991 case and has been listed at serial No.1 of the regular hearing list. In the absence of applicants' counsel and being ~~not~~ a very old case, we are proceeding to dispose of this case.

4. In this connection, Shri Ramchandani has invited our attention to Tribunal's judgment in OA No. 2435/90 filed by Smt. Sushma Mutreja and two others in which those applicants had also sought promotion on the basis of 1989 seniority list which they claimed to be ^{the} correct list. That OA was dismissed by judgment dated 17.5.96 and RA No. 120/96 seeking review of the aforesaid judgment was also dismissed vide order dated 6.8.96. Shri Ramchandani stated that against the aforesaid judgment dated 17.5.96 the applicants had approached the Hon'ble Supreme Court in SLP No. 21282-21283/96 in which the Hon'ble Supreme Court by order dated 21.7.97 after hearing, had granted leave but had declined to issue any order staying the operation of the aforesaid Tribunal's judgment dated 17.5.96.

5. It appears that subsequently the aforesaid SLP No. 21282-21283/96 has been renumbered vide Hon'ble Supreme Court's order dated 9.2.98 as Civil Appeal No. 4995-4996/97. Shri Ramchandani states that the aforesaid appeal has not yet been disposed of by the Hon'ble Supreme Court.

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6. We dispose of the present OA with the direction that whatever benefits eventually flow from the Hon'ble Supreme Court's judgment in Civil Appeal No. 4995-4996/97 will be made applicable mutatis mutandis to the applicants in the present OA.

7. The OA is disposed of accordingly.
No costs.

bhat
(T.N.Bhat)
MEMBER(J)

Anil Agarwal
(S.R. ADIGE)
VICE CHAIRMAN (A)

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