

*Central Administrative Tribunal
Principal Bench*

OA No.1921/2004

New Delhi this the 10th day of February, 2012.

Hon'ble Mr. M.L. Chauhan, Member (J)
Hon'ble Mrs. Manjulika Gautam, Member (A)

Lakshmi Chand, PA No.36872-L,
Assistant Store Keeper,
Posted at 56 ASP Air Force,
Faridabad (HR).

-Applicant

(By Advocate Shri R.N. Singh)

-Versus-

1. Union of India through the Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. The Chief of Air Staff, Vayu Bhawan, Air Headquarters, Indian Air Force, New Delhi.
3. The Air Officer Commanding in Chief, HQ Maintenance Command, Indian Air Force, Nagpur.
4. The Group Captain (Commanding Officer), No.56, ASP Force, Faridabad.

-Respondents

(By Advocate Shri Harinath Ram)

O R D E R (ORAL)
Mr. M.L. Chauhan, Member (J):

Applicant has filed this OA, thereby praying for the following reliefs:

“(i) Direct the Respondents to fix the seniority of the Applicant as Assistant Store Keeper reckoning the date of his appointment as 12.7.1990 in terms of the order No.56/ASP/6740/1/360/PC dated 15.6.99 (Annexure A-3).

(ii) Direct the Respondents to consider the Applicant for the promotion to the post of Store Keeper from the due date with all consequential benefits such as arrears of pay and allowances attached to the post of Store Keeper, fixation of seniority as Store Keeper etc.

(iii) Pass any other order/orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice."

2. As can be seen from the prayer clause, the grievance of the applicant is regarding fixation of seniority in the cadre of Assistant Store Keeper (ASK) w.e.f. 12.07.1990 when he was promoted to the said post and further promotion to the post of Storekeeper (SK).

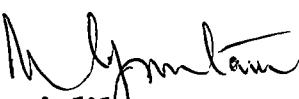
3. Notice of this Application was given to the respondents, who have filed their reply-affidavit, wherein they have stated that seniority and promotion to the applicant cannot be granted, as the matter is *sub judice* before the High Court of Delhi in Writ Petition (Civil) No.1483/2002 filed by the applicant against the judgment/order dated 13.02.2002 passed by this Tribunal, whereby applicant was reverted from the post of ASK to that of Lascar. It is further stated that placement of the applicant in the seniority list of ASK and to consider him for promotion to the post of SK/SS will be done after finalization of the Court case.

4. We have heard learned counsel of the parties and perused the material placed on record. The learned counsel

of applicant has placed on record copy of the judgment dated 15.09.2011 rendered by the High Court of Delhi in Writ Petition (Civil) No.1483/2002 filed by the applicant, whereby the judgment of this Tribunal has been set aside and the Writ Petition filed by the applicant has been allowed and the selection of the applicant to the post of ASK was upheld. Thus, applicant is entitled to the reliefs, as prayed for by him in this OA.

5. In view of what has been stated above, the present OA is allowed. Respondents are directed to assign appropriate position to the applicant in the seniority list of ASK based upon his appointment on the said post and to consider his case for promotion to the grade of SK/SS from the due date, in terms of the undertaking given by them in the reply-affidavit. Such an action shall be taken by the respondents within a period of 03 months from the date of receipt of a copy of this order.

6. OA shall stand disposed of in the aforesaid terms. No costs.


 (Manjulika Gautam)
 Member (A)


 (M.L. Chauhan)
 Member (J)

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