

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.
.....

RA-25/86 in
OA-11/85

Date of Decision: 18.9.1990

SHRI MANOHAR KHOSLA : APPLICANT(S)

VERSUS

UNION OF INDIA : RESPONDENT(S)

ADVOCATES:

SHRI SWATANTER KUMAR FOR THE APPLICANT.

SHRI K.C. MITTAL FOR THE RESPONDENTS.

CORAM:

HON'BLE MR. S.P. MUKERJI, VICE-CHAIRMAN.

HON'BLE MR. T.S. OBEROI, MEMBER(J).

We have heard the arguments of the learned counsel for both the parties on RA No. 25/86 in OA No. 11/85. In that OA, by our judgement dated 24.2.1986, the applicant's reallocation to the Planning Commission was upheld and the order of re-allocation dated 1.10.1982 was directed to be complied with. The applicant's apprehension is that the order dated 1.10.1982 by its reference to the O.M. dated 2nd September, 1982 which indicates certain principles by which seniority is to be fixed, ^{subsequently} has affected the applicant's seniority in the Planning Commission adversely. Our judgement dated 24.2.1986 solely adjudicated upon the

question of the allocation of the applicant between the department of Petroleum and the Planning Commission. It did not, in any manner, go into the question of how the seniority of the applicant would be determined in the Planning Commission. The applicant himself in the main application did not raise any apprehension about the possibility of his seniority being adversely affected in the Planning Commission. We, accordingly, make it clear that our judgement dated 24.2.1986 in the aforesaid case will not, in any manner, prejudice the legitimate right of seniority of the applicant in the Planning Commission and that he will be at liberty ^{if so advised} to move the proper forum for seeking redress about his seniority in the grade of U.D.C. in the Planning Commission in accordance with law.

Based on the above clarification, the learned counsel for the review applicant does not wish to press the review application which is closed as not pressed with the liberty to the applicant to raise the question of seniority in the Planning Commission in appropriate forum in accordance with law as above.

T.S. Oberoi 18.9.90
(T.S. OBEROI)
MEMBER(J)

S.P. Mukerji 18.9.90
(S.P. MUKERJI)
VICE-CHAIRMAN