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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

D.A.No.1903/1993

New Delhi, this 20th day of July, 1999

Hon'ble Shri A.V. Haridasan, VC (J)
Hon'ble Shri S.P. Biswas, Member (A)

G.S. Tiwari
N-361, Sector 8
R.K.Puram, New Delhi-110 022

.. Applicant

(By Shri Vinay Sabharwal, Advocate, not present)

Versus

Union of India, through

1. Secretary
Min. of Labour
Shram Shakti Bhavan
Rafi Marg, New Delhi

2. Director General of Employment & Training/
Joint Secretary
Ministry of Labour
New Delhi

.. Respondents

(By Shri M.M. Sudan, Advocate, not present)

(By Hon'ble Shri A.V. ^{ORDER (oral)} Haridasan)

The applicant, while working as District Employment Officer under the State of Madhya Pradesh from 1.3.69, was sent on deputation as Sub-Regional Employment Officer (SREO for short) to the Directorate General of Employment & Training (DGET for short) from 19.1.72. He continued till 31.5.76 and thereafter was repatriated. He was again appointed in DGET as SREO by temporary transfer and put on deputation for two years by order dated 10.8.77. Though he had successfully completed his probation on 25.9.79, his confirmation was delayed till 5.6.89. However, he represented that there was no need to put on probation as he was entitled to be confirmed with effect from the date of his initial appointment as SREO from 10.8.77. This grievance ^{was} later on redressed and he _^

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was confirmed as SREO with effect from 10.8.77. The post of Assistant Director was to be filled from among the eligibility list of SREO/PO/OSD as per the recruitment rules which came into effect in the year 1978. Applicant's grievance is that while O.P. Maurya and S.K. Seth were promoted to the higher post, he was not promoted on account of the fact that his confirmation was delayed. When he was subsequently confirmed with effect from the date of his initial appointment namely 10.8.77, he went on making representations for giving him promotion to the higher grades w.e.f. the date O.P. Maurya etc. were promoted on the ground that he became most senior among all the feeder cadres in SREO/PO/OSD. He has further ~~been~~ taken the ground that since prior to his transfer to DGET he was holding analogous post with identical scale of SREO he was entitled to be granted seniority from the date he started working under the State Government.

2. Respondents have in their detailed reply statement contended that the date of confirmation has no relevance to the eligibility/promotion list. All officers in the feeder cadres were considered carefully for preparing eligibility list and that Shri O.P. Maurya etc. being senior to the applicant in the equivalent grade were promoted earlier than the applicant. They contend that the applicant's claim for promotion basing on the

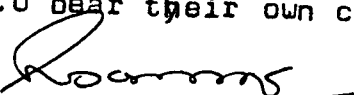
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change in the date of confirmation has no basis.

3. We have carefully gone through the detailed pleadings in this case. As none appeared on either side we did not have the privilege of hearing the counsel. The contention of the applicant that he is entitled to seniority as of SREO with effect from the date he entered service under State Government is not borne out by any rules or instructions. If some other person similarly situated like the applicant from the State of MP was brought on transfer to DGET alongwith the applicant, then if the applicant was senior in the State Cadre to that person, he would have been senior as SREO to that person. There is no such situation here. The applicant cannot claim seniority over PD/USD etc. who were already there in the DGET before he was appointed in that establishment by transfer, Shri D.P. Maurya etc. were holding posts which were feeder category for promotion as Assistant Director even before the applicant was appointed by transfer as SREO. The revision of the date of his confirmation from 1989 to 10.8.77 therefore would not alter this position.

4. In the light of the above discussions finding no merit we dismiss this application leaving the parties to bear their own costs.


(S.P. Biswas)
Member(A)


(A.V. Haridasan)
Vice-Chairman (J)

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