

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.933 of 1996.

Allahabad this the 05th day of September 2003.

Hon'ble Mr.Justice R.R.K. Trivedi, VICE- CHAIRMAN.
HON'BLE MR. D.R. TIWARI, MEMBER-A.

Mahesh Chandra
son of Sri Hardwari Singh,
Resident of 175-Rohali Tola,
Old City Bareilly.

.....Applicant.

(By Advocate : Sri D.P. Singh)

VERSUS.

1. The Union of India,
through Director,
Indian Veterinary Research Institute,
Izatnagar, Bareilly (U.P.)
2. The Director
Indian Veterinary Research Institute,
Izatnagar, Bareilly (U.P.)
3. The Assistant Administrative Officer,
Indian Veterinary Research Institute,
Izatnagar Bareilly (U.P)
4. Dr. Devendra Swaroop,
Scientist (SS) Incharge, Preventive Medicine
Lab, Indian Veterinary Research, Izatnagar,
Bareilly (U.P)
5. Kesh Dutt, through Chief Administrative Officer,
Indian Veterinary Research Institute
Izatnagar, Bareilly (U.P).
6. Arun Kumar
through Chief Administrative Officer
Indian Veterinary Research Institute,
Izatnagar, Bareilly. (U.P).

.....Respondents.

(By Advocates : Sri D.P.Tripathi/
Sri J.N. Tiwari).

.....2/-



— O R D E R —

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed to quash the order dated 16/17.04.1996 by which his representation for promotion to the post of T-1 (Stockman) was rejected. He has also prayed that respondents may ^{✓ him ✓} be directed to promote ~~✓~~ with all consequential benefits w.e.f. the date when his juniors have been given promotion i.e. on 05.02.1996. By Amendment, applicant has also challenged the order dated 20.07.1999 by which respondent No.3 further promoted some persons junior to the applicant but those beneficiaries of order dated 20.07.1999 have not been impleaded in the O.A.

2. The facts of the case giving rise to this application are that applicant was appointed as S.S. Grade 1 (Animal) vide order dated 21.05.1973. He was granted regular promotions as S.S. Grade II in the year 1977 and S.S. Grade-III in the year 1982. Applicant was given substantive appointment as S.S. Grade III w.e.f. 9.8.1984 vide order dated 29/31.5.89. Applicant was senior to the respondents No.5. and 6. Applicant was further promoted as S.S. Grade-IV vide order dated 31.08.1989. Applicant continued to be senior to respondents No.5 and 6. The next promotion for which applicant could be considered was as T-1 Store or Lab Assistant. The D.P.C. was held in _____.

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the year 1996. Applicant was not promoted on account of adverse entry, given to him in the year 1996. Against the adverse entry, applicant ^{had} made representation which was ultimately allowed by order dated 31.03.2000 but the D.P.C. did not take the notice of pending representation and applicant's claim for promotion was ignored, his junior were promoted. After the representation of the applicant against the adverse entry was allowed by order dated 31.03.2000, he has been ^{given} ~~placed~~ promotion on the post of T-1 by order dated 13.04.2000. Applicant has been granted promotion as T-1 (Lab Assistant). Thus, the promotion for which applicant was entitled, has been given to him. However, in the order it has been stated that the post of T-1 (Lab Assistant) under the category-1 of Technical services, they were entitled for promotion from the date of their joining the new post. Learned counsel for the applicant has submitted that the question of seniority has not been considered and if the applicant is not restored ^{his} initial seniority, he shall suffer irreparable loss and injury.

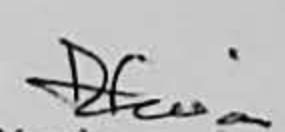
3. The important aspect of the case is that when the D.P.C. considered the promotion in the year 1996 representation of the applicant dated 09.12.1995 was pending. The representation was against the adverse entry given to him in the year 1994-95. As representation was pending the D.P.C. ought to have either decided the representation by itself or should have postponed to consider till the representation was decided. In the present case it



appears that D.P.C even was not apprised of the facts that representation is pending. Representation of the applicant was ultimately allowed by order dated 31.03.2000 and consequently the applicant was granted promotion by order dated 31.03.2000 but the question of seniority was left and no order has been passed. In our opinion, in the back ground of the above facts, Respondents are under obligation to consider the question of seniority in accordance with law.

4. For the reasons stated above, the O.A. is disposed of finally with the liberty to the applicant to make representation before respondent No.2 to consider his claim for seniority and other consequential benefits. The representation if so filed shall be decided by respondent No.2 by reasoned order within three months from the date, a copy of the order is filed.

5. There will be no order as to costs.


Member-A.


Vice-Chairman.

Manish/-