

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 892 of 1998

Allahabad this the 06th day of May, 2002

Hon'ble Mr.C.S. Chadha, Member (A)  
Hon'ble Mr.A.K. Bhatnagar, Member IJ

Dr.S.C. Shukla, S/o Sri M.L. Shukla, Aged about 35 years, R/o R120/2 Vijay Nagar, Kanpur-208005.

Applicant

By Advocate Shri O.P. Gupta

Versus

1. General Manager, Ordnance Factory, Kalpi Road, Kanpur-208009.
2. The Secretary, Ordnance Factories Board, 10-A, S.K. Bose Road, Calcutta-01.
3. Union of India through Secretary Ministry of Defence, Govt.of India, New Delhi.
4. A.K. Singh, P.G.T. Teacher(Biology) Ordnance Factory Inter College, Armapur, Kanpur.

Respondents

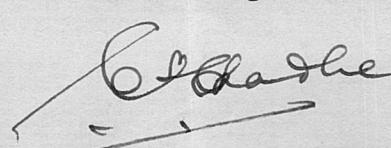
By Advocate Shri Amit Sthalekar

O R D E R ( Oral )

By Hon'ble Mr.C.S. Chadha, Member (A)

Vide this O.A. the applicant has challenged Combined Gradation List of P.G.T. at annexure-6 in which the applicant has been shown at serial no.15 whereas respondent no.4-Shri A.K. Singh, who according to the

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applicant secured less marks in the interview has been shown at serial no.14. The applicant has clearly averred that he secured the highest marks but the respondent no.4 has been shown senior due to the incorrect fixation on the ground that the Interview Boards were different for the two persons. In para-9 of the counter affidavit filed by the official respondents, it has been admitted by them that the petitioner secured highest marks in the Interview Board. Mere change of composition of the Interview Board for one selection does not in any way jeopardise his seniority over the respondent no.4. If for the argument sake we would concede this, the respondents are unable to show how they have weighed the marks of respondent no.4 vis-a-vis the applicant by virtue of having faced different Boards. Further the counsel for the respondents states that in para-9 of the counter-affidavit it has also been mentioned that the applicant was allowed to join duty later than respondent no.4 after verification of the experience certificate and that is why he became junior. We are afraid that the date of joining in such selection is irrelevant. When in the common selection test the applicant received more marks than respondent no.4 he has to be senior for all time, until he receives and punishment/supercession.

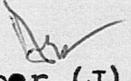
3. The objection of counsel for the respondents regarding the belated representation is also not sustainable because as ruled by the Hon'ble Supreme Court, lack of grant of proper seniority is a continuing cause of action.

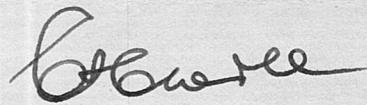
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3. In view of the above, we find no weight in the arguments put forward by the counsel for the respondents. The O.A. is allowed. The applicant having received more marks than the respondent no.4 in the interview test as per their own admission by the respondents, shall remain senior to him. He shall also be liable to ~~x~~get all the consequential benefits by virtue of his higher seniority. In effect, the impugned order dated 10.07.1998 is also quashed. The execution of this order shall be carried out within 2 months from the date of a receipt of copy of this order. No order as to costs.

  
Member (J)

  
Member (A)

/M. M. /