

(Open Court)

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD, this the 01st day of April, **2011**

Present:

HON'BLE Dr. K.B.S. RAJAN, MEMBER-J
HON'BLE MR. S.N. SHUKLA, MEMBER- A

ORIGINAL APPLICATION NO. 699 OF 2005

Maidani Lal, aged about 55 years, Son of Shri Banwari Lal, R/o H.No.119 Kheora, Azad Nagar, District Kanpur Nagar.
(Presently posted as Chargeman Gr.II Field Gun Factory, Kanpur.)

.....Applicant.

Present for the Applicant:

Sri R. Narain
Sri R.K. Shukla

V E R S U S

1. Union of India through the Secretary, Ministry of Defence Production & Supplies, Government of India, New Delhi.
2. The Secretary & Chairman, Ordnance Factory Board, 10-A, Shaheed Khudi Ram Bose Road, Kolkata-1.
3. The General Manager, Field Gun Factory, Kalpi Road, Kanpur.
4. Shri Badloo Prasad Sonker, S/o Shri Shyam Lal Sonker, Posted as Store Holder, Field Gun Factory, Kalpi Road, Kanpur.

.....Respondents.

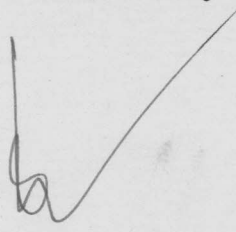
Present for the Respondents:

Sri R.K. Tiwari

ORDER

DELIVERED BY HON'BLE Dr. K.B.S. RAJAN, MEMBER-J :

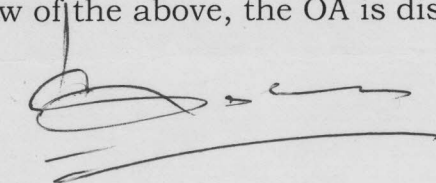
This OA relates to the claim of the applicant for fixation of seniority on the post of Supervisor 'B' w.e.f. 16-06-1983.



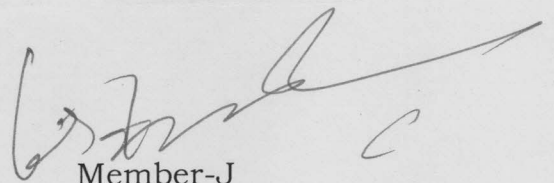
2. From the perusal of the records, we find that respondent No. 4 was promoted as Supervisor in 1983 and Chargeman Grade II in 1992. The applicant had for the first time made representation as late as on 01-06-2004. There has been no justifiable reason or ground in not staking his claim at the appropriate time. From the date of 1983 till 2004, the seniority position of supervisors as well as Chargemen Gr.II would have certainly been settled. It is trite law that settled affairs cannot be allowed to be unsettled. In this regard, the latest decision of the Apex Court is *H.S. Vankani v. State of Gujarat*, (2010) 4 SCC 301 wherein the Apex Court has held as under:-

"39. Courts are repeating the ratio that the seniority once settled, shall not be unsettled but the men in power often violate that ratio for extraneous reasons, which, at times calls for departmental action. Legal principles have been reiterated by this Court in *Union of India v. S.K. Goel*, *T.R. Kapoor v. State of Haryana* and *Bimlesh Tanwar v. State of Haryana*. In view of the settled law the decisions cited by the appellants in *G.P. Doval case*¹, *Prabhakar case*, *G. Deendayalan* and *R.S. Ajara* are not applicable to the facts of the case."

3. In view of the above, the OA is dismissed. No cost.



Member-A



Member-J

RKM/