

(A2/1)

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration No.557 of 1986

Chandra Mani Sharma

....

Plaintiff
applicant.

Versus

Union of India and another

....

Defendants
Respondents

Hon'ble D.S.Misra-AM
Hon'ble G.S.Sharma-JM

(Delivered by Hon'ble D.S.Misra AM)

This is an original suit no.1930 of 1983, pending in the court of Munsif-V, Gorakhpur which has come on transfer under Section 29 of the Administrative Tribunals Act No.XIII of 1985.

2. The plaintiff filed this suit against the fixation of his seniority in the cadre of a skilled Carpenter vis a vis Sri Ram Autar, defendant no.2. *be* Plaintiff's case is that he was appointed as a carpenter on the basis of a trade test and promoted as skilled carpenter, vide office order dated 17.7.1957 whereas Sri Ram Autar, defendant no.2 was promoted as skilled carpenter, vide office order dt. 14.8.1957; that due to malafide intention of some interested staff the date of appointment of both the plaintiff as well as defendant no.2 was recorded as 1.8.1957 and due to this mistake the seniority list was wrongly prepared and defendant no.2 who was junior to the plaintiff, was promoted in the year 1980 in higher Grade ignoring the claim of the plaintiff who was senior to him; that the plaintiff made various representations to the higher

be

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authorities but no reply was received. The plaintiff has sought a declaration that he was senior to defendant no.2 and was entitled to be promoted in the higher scale of Grade I and to allow him all the benefits which would accrue to him if he was working in the higher scale of Grade I.

3. In reply the defendants conceded that on receipt of representations from the plaintiff his old records were looked into and the plaintiff's seniority position has been corrected vide corrigendum dated 16.3.1985. It was contended that the plaintiff's suit is liable to be dismissed. No reply was filed by the defendant no.2 Sri Ram Autar.

4. On the date of hearing the plaintiff filed photo copy of an order dated 21.2.1985 informing the plaintiff that he will be ranked senior to Sri Ram Autar, defendant no.2. The plaintiff filed an affidavit in which it is stated that defendant no.2 had retired from service on 31.6.85.

5. We have heard learned counsel for the plaintiff, who stated that although the plaintiff has been granted seniority over defendant no.2, he has not been paid the salary admissible to him on his promotion to the higher scale of Grade-I. As the defendants have not made any reply to this request it is presumed that they have accepted the claim of the plaintiff. We have, therefore, no hesitation in passing a decree and directing the defendants

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to provide consequential relief to the plaintiff on
the restoration of his seniority over defendant
no.2.

Shm
6.5.87
A.M.

Sharma
6/5/87
J.M.

Dt. 6.5.1987
JS.