

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD २२०८८
Registration T.A.no. 1680 of 1987

Narendra Singh Goel Applicant

Vs.

Union of India & Others Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Dhayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

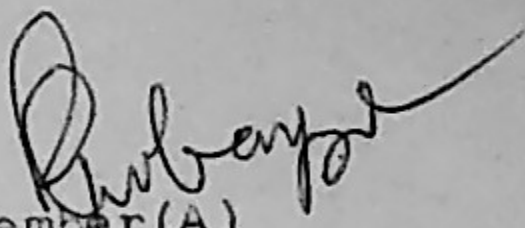
This is a transfer case under Section 29 of the Administrative Tribunals Act, 1985. The applicant filed a suit in the Court of City Munsif, Meerut which by operation of law has been transferred to this Tribunal. The applicant was appointed as Technician in the Post and Telegraph Department in the year 1956. In view of the Government's order dated 1974 twenty percent promotion quota of higher grade was granted on the basis of seniority in circle gradation list existing on 1st June, 1974. In the gradation list the applicant's name was found placed at serial number 188 in the cadre. In the first list of persons granted twenty percent promotion quota of higher grade was announced in 1976 which was made effective since 1974, but the applicant's name was not included in that list and found missing in all such subsequent lists till the year 1980. In between a number of juniors as per allegations of the applicant were promoted. As the Fourth Pay Commission Report was to come out which would have resulted in further loss to the applicant. The applicant served a legal notice under section 80 of the Civil Procedure Code on the respondents. The applicant prayed that a mandatory injunction be issued to the respondents to include the applicant's name in the list of persons getting promotion under scheme promulgated in 1974 granting twenty percent promotion quota of higher grade on the basis of seniority in circle gradation list as was in effect on 1st June, 1974 and to fix the applicant's pay accordingly.

2. The respondents have resisted the claim of the applicant and the plea which was taken by them is that the gradation list was correctly prepared and the applicant being junior to those promoted in the said list, the question of including his name did not arise. In the meantime the case was transferred to the Tribunal, and the applicant filed a Rejoinder Affidavit from which it is clear that as a matter of fact the applicant was senior to one Shri J.P. Maurya who was appointed after the appointment of the applicant, and in the seniority list also it was found that the name of said J.P. Maurya is below to that of applicant, but it was wrongly omitted.

3. In the Supplementary Counter Affidavit filed by the respondents it has been stated that in the CGL of 1969 the name of the applicant was at serial no. 209 whereas that of said J.P. Maurya was at serial number 197 above the name of the applicant in seniority. The applicant had not challenged the same. Yet however, the position was set right by the office itself in the normal course ^{while} processing the case for issue of seniority list circulated vide letter dated 8.8.79 showing the applicant senior to Shri Maurya. The said J.P. Maurya was actually promoted on 30 September, 1977 but purely on temporary and ad-hoc basis against the post of 1976 and his promotion was to take effect only from the date of taking over the charge. When the applicant's plea ultimately found favour with the respondents who themselves corrected the list and placed the name of the applicant above the name of Shri J.P. Maurya there is no ^{also} reason why the applicant should not have been promoted at least with effect from the date the said J.P. Maurya was promoted, even on temporary and ad-hoc basis.

4. In view of the factual position as stated above and the admission made by the respondents, the applica⁺

is allowed to the extent and the respondents are directed to promote the applicant also on temporary and ad-hoc basis against the post of 1976 with effect from 1.6.1974 on which the junior Shri J.P.Maurya was also promoted. Let it be done within a period of 1 month from the date of communication of this order. The applicant will get notional promotion with effect from the said date but he will get the benefit of the actual promotion that is the monetary benefits so far the grade and scale is concerned from the date he actually started working in that grade. No order as to costs.


Member (A)


Vice-Chairman.

18th December, 1991, Alld.

(sph)