

(5) 1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

O.A.No.1304 of 1988.

Shri Prakash Gupta Applicant.

Versus

Union of India & others Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

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

The applicant has filed this application praying that the respondents be directed to grant panel seniority to the applicant with reference to the promotion panel of S.P. Subject No.2 (Small Arms) published vide DGI (Small Arms), New Delhi's letter No. A/86611/Small Arms /79/DGI Dated 23/25 May, with the date of promotion to the post of Asstt. Foreman (Mech.) being treated as 24.4.79 and his seniority may also be reckoned in the cadre of Asstt. Foreman (Mech.) under the DGOF, by correctly placing the applicant in the seniority list prepared after the transfer of the applicant from the DGI Organization to the DGOF Organization and thereby to rectify the seniority list of Asstt. Foreman (Mech.), under the DGOF showing the position as on 1.4.85, published vide DGOF Circular/ letter dated 28.4.86 and to grant the applicant all benefits arising therefrom including promotion w.e.f. 27.1.87, the date of which the similarly placed other employees under the DGI/DGOF Organization were promoted as Foreman (Mech.).

2. The applicant was promoted as Asstt. Foreman (Mech.) vide promotion panel effective for a period of one year from 24.4.79. This panel was also valid for a period of one year. The seniority of the incumbent was to be assigned on the basis of the promotion panel which was effective from 24.4.79.

(6)

BY

as was practice under the DGI Organization as well as the DGOF Organization and the posting of the incumbent used to be made as per convenience of the department concerned. It has been stated that those who were promoted from promotion panel used to be assigned their respective seniorities of the promotion panel irrespective of the date on which the incumbents used to be allowed to join the promoted post, within the period of validity of the panel. The applicant carried his own order of seniority under the DGI Organisation, as per the promotion panel and his seniority in the cadre of Asstt. Foreman (Tech) has to be reckoned with reference to the promotion panel effective from 24.4.79 but this seniority not given to the applicant. Feeling aggrieved against this seniority list, the applicant made certain representations but he could not get any relief, that is why he has approached the tribunal praying for the reliefs mentioned. As the applicant has been transferred from one department to other, he could not have been deprived of panel of seniority and the seniority should have been fixed in accordance with the position in the panel. Accordingly, the respondents are directed to accord due seniority to the applicant taking into consideration the panel of seniority and the seniority list, which has been so-prepared, may be amended. Let it be done within a period of three months from the date of communication of this order. With these observations, the application stands disposed of. No order as to costs.

R. Johnson
MEMBER (A)

..... b/s
VICE CHAIRMAN.

DATED: FEBRUARY 16, 1993.

(ug)