

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALIA HABAD BENCH

ALLAHABAD.

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Allahabad this the 3rd day of February 2000.

Original Application no. 417 of 1988

Hon'ble Mr. S. Dayal, Administrative Member

Hon'ble Mr. Rafiq Uddin, Judicial Member

मंगल सेन पुत्र श्री भगवान दास,
निवासी 264 सदर बाजार,
कैन्ट-बरेली

.....वादी

अधिवक्ता वादी श्री सम.के. उपाध्याय

बनाम

१। भारत सरकार द्वारा
महानिदेशक,
दूर संचार संचार भवन,
नई दिल्ली

२। पोस्ट मास्टर जनरल,
पू०पी० सर्किल,
लखनऊ।

३। निदेशक,
दूर संचार, उत्तरी क्षेत्र
बरेली।

४। प्रवर अधीक्षक
तार परियात,
बरेली।

५। प्रभारी अधीक्षक
केन्द्रीय तारघर
बरेली।

अधिवक्ता प्रतिवादी श्री स० मोहले प्रतिवादी

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O R D E R

Hon'ble Mr. S. Dayal, Member-A.

This application has been filed under section 19 of the Administrative Tribunals Act, 1985, for fixation of seniority of the applicant over Shri Kali Charan by considering the applicant to have been appointed on 01.04.49 as per order of Post Master General, Lucknow dated 29.04.60. The applicant also seeks stepping up to next of his pay in accordance/below rule over Shri Kali Charan.

2. Arguements of Shri M.K. Updhayaya learned counsel for the applicant has been heard and records of this case has been perused.

3. The applicant has claimed seniority on the basis of order dated 04.06.60 (annexure 1 to OA). In this order it has been mentioned that it has been proved that the applicant was senior to Shri Kali Charan as intimated by P.M.G., U.P. Circle, Lucknow vide its letter no. Staff, B/TE.8/CH.1x/3 dated 29.04.60. The order dated 04.06.60 is, however, regarding confirmation of the applicant from 01.08.56 against permanent post of T.W.N. (Task Works Manager) created by P.M.G. U.P. Circle by his letter no. 555 F/4 dated 18-09-57. The applicant has taken it a proof of the fact that he is senior to Shri Kali Charan and claimed seniority on that basis. The applicant has furnished a seniority list as annexure to the O.A. in which he has shown as confirmed w.e.f

20.02.56 and the date of his joining department has been mentioned as 01.04.49. However, the date of appointment as mentioned is 20.02.56 at annexure A 2 which is seniority list of group 'D' staff as on 01.12.84 in which the name of Shri Kali Charan has been mentioned at sl. no. 13, although his date of entry in the department has been mentioned as 10.12.52 and his date of confirmation as mentioned as 10.12.52. The name of the applicant is not contained in this seniority list.

4. We find from annexure CA 7 that the letter was written by Senior Supdt, Telegraph Division, Bareilly to the Supdt. Incharge Central Telegraph Office Bareilly dated 19.07.77, in which it has been mentioned that seniority list of Shri Mangal Sen was examined by the office with reference of letter no. E-90/GL/class-IV dated 19.08.74. It is mentioned that the seniority of the applicant was recommended earlier w.e.f. 01.08.56 but the correct position was that the official was working ^{regularly} ~~regularly~~ from 20.02.56. It is also mentioned that the applicant was ^{not} ~~a~~ regular employee before 20.02.56.

5. The respondents in their CA have mentioned that the applicant joined service w.e.f. 01.04.49, but was not on duty from 13.10.50 to 17.03.65. It is also mentioned by them that the applicant worked 18 times between 01.04.49 to 12.10.50 as T.W.M. and his services were terminated as there was no work. The respondents have given annexure 1 to their CA in which the applicant has ^{been} shown to have worked in different spells for 104 days in 1949 and 75 days in 1950, his pay is shown to be Rs. 20/- on 01.04.49 in annexure CA 2 and next date is shown on 09.03.55 ^{raising pay} from

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Rs. 20/- to Rs. 20/- and 08 annas. His next increase in pay is shown as 15.10.56 raising his pay to Rs. 21/- and, thereafter, he got annual increment till 15.10.62 raising his pay to Rs. 24/-. Applicant has denied the facts brought on record by the respondents in their OA. However, he has mentioned that he ~~has reffered~~ ^{reiterates} the facts in para 6.iii of his OA which merely mentions date of entry of the applicant in the department. We, therefore, can not ~~take~~ this statement as denial of the facts of sporadic work as well as absence.

6. The applicant despite claiming seniority over Shri Kali Charan, has not impleaded him as a respondent.

7. We, therefore, of the ~~opinion~~ ^{are} that the applicant has not been able to establish the case for seniority as well as for right to be given pay ^{as per} ~~for his~~ next below rule in his O.A. The O.A. is, therefore, dismissed.

9. There shall be no order as to costs.

Raghunath
Member-A

Shiv
Member-B

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