

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 624 of 1989

Allahabad this the 23rd day of December, 1999

Hon'ble Mr.S. Dayal, Member (A)

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Hamid, Mazdoor C/o Officer Commanding, Station
Health Organisation, Jhansi.

Applicant

By Advocate Shri V.K. Barman

Versus

1. Union of India, through Secretary, Ministry
of Defence, New Delhi.
2. ADMS Headquarters B&O Area, Jabalpur.
3. Officer Commanding Stn Health Orgn., Jhansi.
4. DDMS Central Command, Lucknow.
5. Heera Lal)
6. Ram Nath) C/o Officer Commanding,
7. Narain) Station Health Organisation
Jhansi.

Respondents

BY Advocate Shri N.B. Singh.

O R D E R (Oral)

By Hon'ble Mr.S. Dayal, Member (A)

This application has been filed for
setting aside the order dated 01.02.1989 and directing
the opposite parties to promote the applicant from
the date opposite parties no.5, 6 and 7 were promoted
as Mate.

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2. The facts as stated by the applicant are that he joined as casual Mazdoor at Station Health Organisation, Jhansi on 12.5.1958. He claims to have been made quasi permanent by the order dated 07.1.1968. A copy of which has not been filed by the learned counsel for the applicant. It has been claimed that the applicant was made permanent in the year 1972 as per annexure-A. The applicant claims that the respondents no.5, 6 and 7 were promoted as Mate and these persons were junior to him. He represented against their promotions as Mate by representation dated 09.1.1989. A copy of representation annexed as annexure-II, has been filed by the applicant in which he has mentioned that he was transferred against the post of Mazdoor to 38, Air Force, New Delhi in January, 1964. He claims to have been declared quasi permanent on 07.1.1968 and permanent in 1972 on the same post. The applicant again claims that he was transferred to Station Health Organisation Jhansi in October, 1984, and since then he has been discharging his duties in Station Health Organisation, Jhansi. He claims in this representation that Shri Hira Lal, Shri Ram Nath and Shri Narain were working on the post of Mazdoor in Station Health Organisation, Jhansi and who are arrayed as respondents no.5, 6 and 7 in this case, were promoted as Mate although they were junior to the applicant, in 1988.

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3. Shri V.K. Barman, learned counsel for the applicant and Shri D.S. Shukla brief holder to Shri N.B. Singh, learned counsel for the respondents have been heard and pleadings considered.

4. Although the learned counsel has claimed that annexure-I is regarding permanency of the applicant. The annexure-I actually relates to his representation for promotion to the post of Mate. He has been informed by letter dated 01.2.1989(annexure-I) that he was posted to Jhansi on 24.10.1984 from 24 Wing Air Force Sqn New Delhi on compassionate grounds, and therefore, his seniority was considered for promotion to the post of Mate from the date of posting to this unit. The annexure also refers to CPRO 73/73 and 11/75 regarding computation of seniority when transfer is given on compassionate ground to another unit. The applicant has claimed that he was transferred from Delhi to Jhansi because he had become surplus, therefore, his seniority should be computed from the date of his joining as Mazdoor. The basis on which the applicant claims that respondents no.5, 6 and 7 were his juniors are also not given.

5. However, due to the fact that no counter-reply has been filed, we direct the respondents to consider the seniority position of the applicant viz-a-viz respondents no.5, 6 and 7 and promote the

12/5

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applicant from the date on which his immediate
junior was promoted, ^{in accordance with rules} This direction shall be
complied in 3 months time from the date of comm-
unication of this order by the applicant. No order
as to costs.

See margin
Member (J)

[Signature]
Member (A)

/M.M./