

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS IS THE 24TH DAY OF FEBRUARY, 1995

Original Application No. 541 of 1992

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAYAL, MEMBER(A)

1. Raj Kumar Goyal, son of late Shri Brij Bhushan, C/o M/s Brij Electrical & Machinery Stores, Kerana Road, Shamli, Muzaffarnagar, U.P.

..... Applicant

BY ADVOCATE SHRI NANHEY LAL

Versus

1. Union of India, Ministry of Personnel Public Grievances and Pension (Department of Personnel and Training) New Delhi, through its Secretary.
2. State of Jammu and Kashmir through the Chief Secretary, Government of Jammu & Kashmir, Srinagar (Jammu)
3. State of Himachal Pradesh through the Chief Secretary, Government of Himachal Pradesh, Simla.
4. Gaurav Gupta, Assistant Commissioner (U/T) C/o Deputy Commissioner, Shimoga, Karnataka
5. State of Karnataka through the Chief Secretary, Government of Karnataka (Mr. Gaurav Gupta, I.A.S Probationer, besides being served at the address given above may also be served through the Chief Secretary, Govt. of Karnataka to ensure the service of notice upon him)
6. State of Haryana, through the chief secretary Govt. of Haryana, Km. Sunita Misra may be served through the Chief Secretary, Govt. of Haryana to ensure the service of notice upon her.
7. State of Uttar Pradesh through the Chief Secretary Govt. of Uttar Pradesh, Km. Manisha Prasad, may be served through the Chief Secretary, Govt. of Uttar Pradesh to ensure the service of notice upon her.

.... Respondents

BY ADVOCATE SHRI AMIT SHALEKAR

ORDER ( ORAL )

JUSTICE B.C. SAKSENA, V.C.

This O.A. along with another O.A. filed by

1 B.C.

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Km. Sunita Mishra Vs. Union of India and Ors was referred to a Larger Bench. The question involved in ~~supposed~~ the claim made in this O.A. reliance was sought to be placed on a decision of the Chandigarh Tribunal rendered on 10.8.90 in O.A. No. 42/89 'Ravneet Kaur Vs. Union of India. A special petition leave against the decision of the Chandigarh Bench had been dismissed by the Apex court on the 23rd of January 1991. Subsequently, a Full Bench of the Principal Bench of the Tribunal gave a decision in O.A. 257/90 'Rajiv Yadav Vs. Union of India. During the pendency of the reference the Supreme Court decided the special leave petition preferred against the judgment in Rajiv Yadav's case. The said decision is reported in Judgment 1994(5) Supreme Court-54 Union of India and Ors Vs. Rajiv Yadav.

2. A Larger Bench heard arguments in the O.A. and has rendered its view. It has been held by the Larger Bench that in 'Rajiv Yadav's case Art. 16(4) was not under consideration at all and it was held that allocation should be placed at par with promotion is ~~at~~ misplaced. The Larger Bench held that it is bound by the judgment rendered by the Apex court in the case of Rajiv Yadav.

3. After the opinion rendered by the Larger Bench as per its direction the O.A has come up before us. The learned counsel for the applicant did not appear when the case was called out. The learned counsel for the respondents was heard.

4. In view of the conclusions by the Larger Bench, the O.A. lacks merit and is accordingly dismissed.

*Adarsh*  
Member (A)

*D.C.R*  
Vice Chairman

Dated: 24th February, 1995

Uv/