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OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 24th day of February, 1997

Original Application No. 1083 of 1993

District : Allahabad

CORAM :-

Hon'ble Mr. Justice B.C. Saksena, V.C.

Hon'ble Mr. D.S. Baweja, A.M.

Panna Lal Kanojia Son of Late  
Sri Dwarika Prasad Kanojia, Resident of  
28-B/71-A, Allanpur, Allahabad.

(By Sri G.D. Mukherjee, Advocate)

. . . . . Applicant

Versus

1. Union of India  
through Chairman, Central Board of Excise & Customs,  
New Delhi.
2. Collector Central Excise, Allahabad.
3. Prakash Chandra, Supdt.  
Central Excise, Collectorate Bhinsali Ground,  
Meerut.

(By Km. Sadhna Srivastava, Advocate)

. . . . . Respondents

ORDER (Oral)

By Hon'ble Mr. Justice B.C. Saksena, V.C.

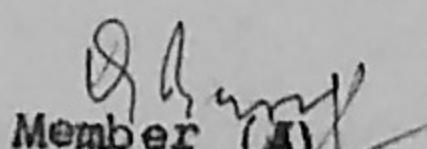
The short point of controversy raised in this OA is that the applicant has been denied consideration for promotion to the post of Supdt. Central Excise Group 'A'. In the All India Seniority list, the applicant's name appears at Serial No. 887. Due to some typographical mistake his date of birth was shown as 7-7-1933. It is admitted between the parties that because of this typographical error in the All India Seniority List, the applicant's case for promotion to the post of Supervisor Central Excise could not be taken up for consideration under the impression that the applicant on the basis

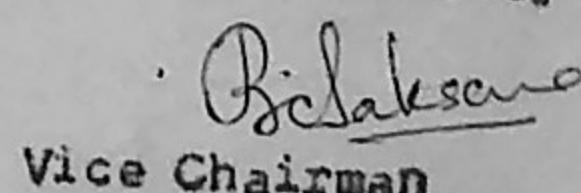
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date of birth indicated there in had retired from service, though the factual position was that he was continuing in service and his actual date of birth was 7-7-1935 and he superannuated in July, 1993. The applicant claims for back a promotion from the date of Prakash Chandra, a junior who was considered and promoted. In the counter affidavit, it is not disputed that because of the typographical error which occurred in the All India Seniority List, the applicant's case for promotion was not placed before the D.P.C. The applicant made a representation subsequently and though in the seniority list the date of birth was correctly shown but by the time, the said representation came up for consideration, the applicant had already retired on 31-7-1993.

2. In the above circumstances, the learned counsel for the applicant submits that the applicant is entitled to have his candidature considered by a Review D.P.C. from the date of his immediate junior Prakash Chandra was promoted as Supdt. Central Excise i.e. 3-2-1993.

3. In view of the facts indicated hereinabove, we allow the OA and direct the respondents to have the applicant's candidature considered by the Review D.P.C. for promotion w.e.f. 3-2-1993, the date when Prakash Chandra, junior to the applicant had been granted promotion. If the Review D.P.C. finds the applicant fit to have been promoted, an order for his promotion notionally from the said date may be issued. The Review D.P.C. be held within a period of three months from the date of receipt of this order. The OA is disposed of in the terms indicated above. No orders as to costs.

  
Member (A)

  
Vice Chairman

Dube/