

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 22nd day of August 2000.

CORAM:-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

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

Original Application No. 733 of 1994

alongwith

Original Application No. 734 of 1994.

1. Ishwari Prashad, Senior Account Officer,
Office of the A.G. (A&E) II, Allahabad,
son of late Sri Dwarka Nath, R/o 71A/10
Kamla Nagar, Allahabad.
2. Anil Kumar, Account Officer, Office of the
A.G. (A&E) II, Allahabad, Son of Sri Jai
Narain Lal, R/o 99A/2, Ashok Nagar, Allahabad.
3. A.P. Gupta, Senior Account Officer ,
Office of the A.G. (A&E) II, Allahabad.
Son of late M.L.Gupta, R/o 71A/9
Kamla Nagar, Allahabad.

..... Applicants in O.A.733/94.

1. Yashwant Rao, Senior Account Officer,
Office of the A.G. (A&E) II, Allahabad.
Son of late R.S. Verulakar, R/o 964,
Daragang, Allahabad.
2. Daya Shanker Pandey, Senior Account Officer
Office of the A.G.(A&E)II, Allahabad.
S/o late Sarju Prasad Pandey, R/o 1343,
Indrapuri, Allahpur, Allahabad.
3. Narendra Kumar Singh, Senior Account Officer
Office of the A.G. (A&E)I, Allahabad
S/o Sri Sita Ram Singh R/o 234 Baghambari
Housing Scheme, Allahabad.

4. Prabir Chatterji, Senior Account Officer,
C/o Principal Regional Training School of
A.G. (A&E)I, Ashok Nagar Allahabad,
S/o late P.C. Chaterji R/o 81/63 Bai Ka Bagh,
Allahabad.
5. Uma Shankar Srivastava, Senioe Account Officer,
Office of A.G. (A&E)II, Allahabad.
S/o late S.L. Srivastava, R/o 141/3Ka/11
Om Gayatri Nagar, Allahabad.
6. Chandra Kant Narain Gune, Senior Account
Officer, Office of A.G.(A&E)I, Allahabad.
S/o late N.L. Gune. R/o 58/82
P.D. Kydgang, Allahabad.
7. Ghan Shyam Saxena, Senior Account Officer,
Office of the A.G.(A&E)I, Allahabad,S/o
Sri A.B. Saxena R/o 866 old Katra, Allahabad.
8. Jagdish Narain Pandey, Senior Account Officer
Office of the A.G. (A&E)I., Allahabad.
S/o late B.P.Pandey R/o 4530152 Daragang,
Allahabad.
9. Anand Prakash Dubey, Pay and accounts Officer
Office of the A.G.(A&E)I, Allahabad,
S/o late R.B. Dubey R/o 90A/10/1C Baghambari
Gaddi (East)Allahapur, Allahabad.
10. Jitendra Kumar Srivastava, Senior Account
Officer, Office of the A.G.(A&E)II, Allahabad.
S/o Sri S.N. Srivastava. R/o 924/182-A
Raj Roop Pur , Allahabad.
11. Vipin Bihari Srivastava, Senior Account
Officer , Office of the A.G.(A&E)II, Allahabad.
S/o Sri G.C. Srivastava, R/o 103, New Katra
Dilkusha, Allahabad.

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12. Jagdish Prashd Rastogi, Senior Account Officer, Office of A.G.(A&E)II, Allahabad. S/o late Ganga Prashad Rastogi. R/o 57, Gariwan Tola, Allahabad.
13. Naseem Ahmad Khan, Senior Account Officer Office of A.G.(A&E)I, Allahabad.
14. Km. Saroj Bala Agrawal, Senior Account Officer Office of A.G.(A&E)I, Allahabad. D/o Sri K.R. Agrawal R/o 220 Lukergang, Alld.
15. Vijai Kumar, Senior Account Officer, Office of A.G.(A&E)I, Allahabad, S/o late L.L. Srivastava, R/o 28B/79F Allahapur, Allahabad.
16. Birchandra Prasad Sinha, Senior Account Officer, Office of the A.G.(A&E)I, Allahabad. So/late D.N. Sinha, R/o 61/60 I, Bhawa pur Allahabad.
17. Baij Nath Gupta, Senior Account Officer, Office of the A.G.(A&E)I, Allahabad. S/o late Rang Lal R/o Old Jhunsi, Allahabad.

.....Applicants in O.A.734/94.

Counsel for applicant:- Sri A.N. Sinha.

V E R S U S

1. The Controller and Audit General of India, 10 Bahadur Shah Zafar Marg, New Delhi.
2. The Union of India through the secretary, Ministry of Finance, Department of Expenditure, New Delhi.
3. The Union of India through the Secretary Department of Personneel, Public Grievances & Pensions, Ministry of Home Affairs, New Delhi.
4. The Principal Accountant General Office of A.G.(A&E)I, Allahabad.Respondents Counsel for the respondents:- Sri S. Chaturvedi.

O R D E R (Oral)

(By Hon'. Mr. Justice R.R.K. Trivedi, V.A.)

These applications under section 19 of the Administrative Tribunal Act 1985 have been filed for direction to the respondent No.4 to promote the applicants in selection grade Section Officers w.e.f. 01.08.84 that is date on which Section Officer[^] junior to them were promoted.

2. Sri Pankaj Srivastava appearing for the respondents ~~Further~~[^] placed before us order of this Tribunal dated 17.12.1999 passed in O.A. No. 341/98, Shyam Ji Das Kappor[^] Vs. C.A.G. of India and ors. and has submitted that the controversy which is subject matter of these applications has already been decided and these applications are liable to be rejected on the same grounds.

3. Sri O.P.Khare, learned counsel for the applicant however, submitted that the legal question was ^{open not} left and decided by the Hon'ble Supreme Court while ^{rejecting} ~~taking~~ in S.L.P. vide order dated 24.02.94 and this legal question may be decided by this Tribunal. Learned Counsel for the applicant has also placed reliance on the judgment of Hon'ble Supreme Court in case of A. Sagayanathan and Others Vs. D.P.O. S.B. C. Division, Southern Railway, Bangalore, A.I.R. 1991 Supreme Court 424 and submitted that the question of the employment should be decided on merits.

4. We have considered the submissions of the learned counsel for the parties. The promotions were granted to persons junior to them by order dated 11.09.84. These applications have been filed in 1994 i.e. after about 10 years. We do not



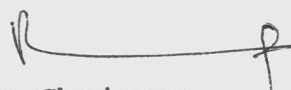
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find any satisfactory explanation for the ⁱⁿordinate delay. The Division Bench of this Tribunal has examined each aspect of the ^{matter} ~~order~~ and rejected the application. We ^{are} ~~are~~ fully agreed with the view expressed in the aforesaid order of this Tribunal.

5. For the reason stated in the order dated 17.12.1999, these applications are also rejected.

There shall be no order as to costs.


Member (A)


Vice-Chairman

/Anand/