

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the day 16th October, 1997.

CORAM : Hon'ble Dr. R.K. Saxena, Member (J)
Hon'ble Mr. D.S. Baweja, Member (A)

ORIGINAL APPLICATION NO. 780 OF 1994.

P.N. Tripathi, Senior Account Officer,
O/o the AG(A&E) I Allahabad, son of Shri
R.C. Tripathi, R/o 19 D Tagore Town,
Allahabad.

Applicant.

(By Advocate Shri A.R.B. Kher)

Versus

1. The Comptroller and Auditor General of India,
10 Bahadur Shah Zafer Marg, New Delhi.
2. The Principal Accountant General,
AG (A&E) I, Allahabad.

..... Respondents.

ORDER (ORAL)

By Hon'ble Dr. R.K. Saxena, Member (J)

1. The applicant P.N. Tripathi has approached the Tribunal through this petition to seek the relief that his seniority be determined afresh in the light of the principle laid down in the case of Ravi Verma, and he should be given promotion retrospectively. The pay and allowances of the post of promotion are also sought from the date when his seniority could be determined afresh.

2. The facts of the case as are narrated in the Original Application, are that the applicant who was initially appointed as Upper Division Clerk, was promoted to various posts, and at the time of filing

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this Original Application, was posted as Senior Account Officer under the respondents. His claim was that his seniority was not fixed correctly and thus he was deprived of the promotion although his juniors got promotions. Similar issue was involved in the case of O.P. Khare and he wanted that the respondents should decide the seniority and further promotions in the light of the principle laid down in the case of O.P. Khare. He has made representations, which remained pending. The letter dated 28.9.1993 Annexure-5 was sent to the applicant intimating that his representation could not be decided because the case of O.P. Khare in which S.L.P was filed, was not finalised because the said case was pending before the Hon'ble Supreme Court. It appears that the said S.L.P was decided in February 1994 and, therefore, the applicant made another appeal to the respondent no. 2 through Annexure-6 that his representation pending before the respondents be decided because the S.L.P was disposed of. It appears that despite this letter, no action was taken on the representations. Hence this Original Application is filed seeking the aforesaid mentioned reliefs.

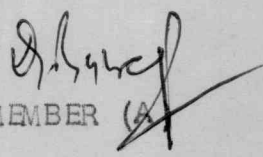
3. The respondents have contested the case and took the plea that whatever principle was laid down in the case of O.P. Khare, was not applicable in the case of the applicant. Nothing has been said as to whether the representation made by the applicant was disposed of or if it is ^{still} pending the reasons thereof.

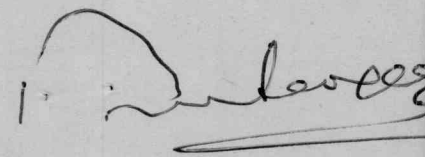
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4. Shri A.R.B. Kher learned counsel for the applicant and Shri Prashant Mathur on behalf of Shri N.B. Singh counsel for the respondents present.

Shri A.R.B. Kher makes a statement at bar that the reliefs claimed in the Original Application are not being pressed if a direction is given to the respondents to dispose of the pending representations (Annexure-3 and Annexure-6) made by the applicant. Shri Prashant Mathur no doubt again stated that the point involved in this case has been decided by the Tribunal. We have already pointed out that the learned counsel for the applicant wants only disposal of representations as mentioned above. Shri Prashant Mathur does not say anything about the said representations,

5. In these circumstances, we are of the view that the respondents be directed to dispose of representations (Annexure-3 and Annexure-6) within a period of 4 months from the date of communication of this order. The result of the disposal of representations shall be communicated to the applicant. The Original Application stands disposed of accordingly. No order as to costs.


MEMBER (A)


MEMBER (J)

am/