

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 978 of 1994

Wali Mohd. Khan Applicants.

Versus

Union of India & Ors. Respondents.

Hon'ble Mr. S.Das Gupta, Member-A
Hon'ble Mr. T.L.Verma, Member-J

(Hon'ble Mr. T.L.Verma, J.M.)

Heard the applicant, in person on the
question of admission.

2. The applicant has filed this application
against the alleged assignment of wrong seniority
and consequent denial of promotion to him on the
post of ^{Civilian} Switch Board Operator (C.S.B.O. for
short) Gr. I and confirmation on the post of
C.S.B.O. Grade II.

3. The applicant was appointed as C.S.B.O.
on 27.6.1960. He, while posted in Army Head Quarters,
applied for his transfer to Telephone Exchange in the
U.P. Area Signam Regiment, Meerut Cannt. His
representation was allowed and he was transferred to
and posted at Meerut w.e.f. 1.4.1975 and was assigned
seniority w.e.f. that date. Information regarding the
assignment of seniority and seniority number was
communicated to the applicant by letter dated 13.9.1982
(Annexure A-1). His name was not included in the
appendix of the employees confirmed as C.S.B.O. Gr. II
by order dated 15.11.1986 (Annexure A-2). The applicant
filed representations in 1986, December, 1988 and

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several other representations in the following years /
his supersession and assigning incorrect seniority.
The applicant was informed by letter dated 6.12.1989

(Annexure A-5) that since he was transferred on
compassionate ground w.e.f. 1.4.1975, his seniority
has been correctly assigned w.e.f. 1.4.1975.

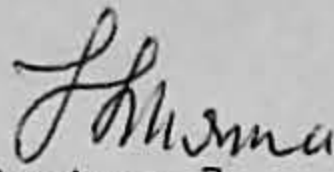
4. From the above, it is clear that the
cause of action had arisen as far back as in 1989
and that this application was filed in 1994, much
after the period of limitation ^{had} expired. This
application is, thus, badly ~~time~~ barred by limitation.

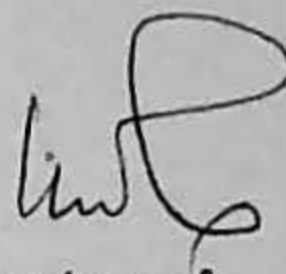
5. Even otherwise, also the case of the
applicant is devoid of merit. On his transfer on
compassionate ground from A.S.C. Centre (North)
Merrut Cantt to U.P. Area, Signam Regiment, he was
assigned seniority from the date of his transfer in
terms of C.D.R.O. 11/75. He was, therefore, not
entitled to the benefit of service rendered prior
to his adjustment in the new unit for the purpose of
seniority as claimed by him. The applicant has sought
aid of the decision of the Full Bench of the Principal
Bench reported in A.I.R. 1988 (1) Central Administrative
Tribunal Page 120 and the judgement of the same Bench
in O.A. No. 1507 of 1988 Privi Singh Vs. Union of India
decided on 20.10.1993. We have perused these judgements
and find that both the judgements are besides the
points and are of no help to the applicant. In both
the cases, it has been held that on Transfer on
request, the concerned employee loses the benefit
of service rendered by him before his transfer, but
such a service will be reckoned where the eligibility

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for being considered for promotion is determined on completing of minimum number of years of service, which is not the case of the applicant.

In view of the above, we find that this application is devoid of merit and is accordingly dismissed at the admission stage itself.


Member-J


Member-A

Allahabad Dated: 26th August, 1994

/jw/