

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1170/1994

WEDNESDAY, THIS THE 24TH DAY OF APRIL, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

A.S. Yadav,
P.No.69563 29,
aged about 54 years,
S/o late Shri Mata Charan Yadav,
R/o 38/15A/1, Salori, Teliarganj,
Allahabad. ...

Applicant

(By Advocates S/Shri D.C. Saxena and
Rakesh Verma)

Versus

1. Union of India,
through Secretary,
Ministry of Defence,
New Delhi.
2. The Officer-in-Charge,
A.O.C. (Record),
Secunderabad.
3. The Commandant,
Central Ordnance Depot,
Chheoki, Allahabad. ...

Respondents

(By Advocate Shri A. Mohiley)

ORDER

Hon'ble Mr. C.S. Chadha, Member (A):

The case of the applicant is that he was appointed as a Storeskeeper earlier than Shri Gulam Rouf, Majidullah and Shri Sangam Lal, who were wrongly promoted to the post of Senior Stores-keeper before him. He was over-looked despite having a good confidential record and never suffered

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a punishment. He has made an averment that he represented, ^u
his representation was considered and he was duly promoted ^{lx}
with effect from 1.11.1980 as Senior Stores-keeper.

2. In para 4(ix) of the O.A., it has been admitted "there-
after the petitioner kept mum being satisfied under the
impression that he has been placed at par with his juniors."
A plain reading of this averment itself shows that the appli-
cant suffered from a mis-apprehension that he had been placed
at par with his juniors. The learned counsel for the appli-
cant has not placed on record any document which shows that
at the time of promotion, he was granted parity with his
juniors. In fact in the counter affidavit in para 14 thereof,
the reasons why the petitioner was not considered fit for
promotion as Senior Stores-keeper at that time when the above
three were considered fit have been outlined. It has also
been averred that the petitioner was informed accordingly
vide letter No.6956329/SK/A2/Civ/CA-6/38, dated 10.4.1993,
In terms of his own admission, ^{knew that he} the applicant ~~was~~ promoted
from November, 1980, whereas the other three were promoted
before him. By virtue of this later ^{of} promotion, he
became junior to the other three in the list of Senior Stores-
keepers. His old seniority in the list of Stores-keepers was
washed away by his later promotion than the other three to
the post of Senior Stores-keeper.

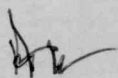
3. The next promotion to the rank of Senior Superintendent-
Stores, is only from the seniority list of Senior Stores-
keepers in which the applicant became junior. In their
counter affidavit, the respondents have clearly averred that
the applicant having become junior in the gradation list of
Senior Stores-keepers, by virtue of his later promotion, was

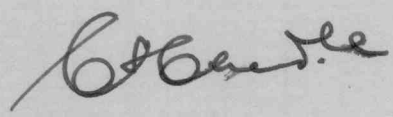
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not in the zone of consideration of Superintendent-Stores. Any injustice that may have been caused to the applicant as alleged ^{for} could have been claimed to be set right soon after the promotion order which gave him the promotion from 1.11.1980, i.e., the date later than the date from which the other three were promoted. The applicant did not file any O.A. before the Tribunal regarding his earlier ^{for} supersession and therefore, it became final.

4. We are unable to agree with the averment of the learned counsel for the applicant that he remained senior and that the alleged injustice done at the level of senior Stores-keeper could be set right at any time. Once, he became junior in the list of Senior Stores-keeper, the action of the respondents in not considering his case, being not in the consideration zone is absolutely justified.

5. In the circumstances mentioned above, the O.A. has no merits and it is dismissed. There shall be no order as to costs.


MEMBER (J)


MEMBER (A)

psp.