

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD.

Dated: Allahabad, the 6th day of February, 2001.

Coram: Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION NO. 1235 OF 1994

Yashwant Govind Paranjape,  
s/o Late Sri G.R. Paranjape,  
r/o 848/513, Thakur Prasad lane,  
Daraganj, Allahabad-6.

..... Applicant  
(By Advocate Sri A.N. Sinha)

Versus

1. The Comptroller and Auditor 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 Personnel Public Grievances & Pension,  
Ministry of Home Affairs, New Delhi.
4. The Principal Accountant General,  
Office of the AG (A&E) I, Allahabad.
5. The Accountant General U.P. (Audit) I,  
office of the AG (audit) I, UP, Allahabad.

..... Respondents  
(By Advocate Sri S. Chaturvedi)

with

ORIGINAL APPLICATION NO. 1238 OF 20 1994

A. N. Tiwari,  
s/o Late Shri Mahabir Tiwari,  
447/132/3 Alopibagh,  
Allahabad.

..... Applicant  
(By Advocate Sri A.N. Sinha )



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## Versus

1. The Comptroller & Auditor 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 Personnel, Public Grievance, Pensions,  
Ministry of Home Affairs, New Delhi.
4. The Principal Accountant General,  
office of A.G. (A & E) I, U.P., Allahabad.
5. The Accountant General (U.P.) Auditor I,  
Office of the A.G. (Audit)-I, U.P.  
Allahabad.

..... Respondents

(By Advocate Sri S. Chaturvedi)

O\_R\_D\_E\_R,

(OPEN COURT )

(By Hon'ble Mr. S. Dayal )

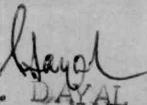
Two Original Application Nos. 1235 of 1994 and 1238 of 1994, having the same issues and law, have been heard together and by a common order is being disposed of.

2. This application <sup>has been filed for setting aside the order dated 25.7.94</sup> <sub>and 21-7-94</sub> passed by the Respondent No. 5, rejecting the representations for granting similar relief as granted by this Tribunal in TA No. 241 (T) of 1987. Directions were also sought to the Respondent Nos. 4 & 5 to promote the applicants who <sup>are</sup> <sub>is</sub> senior Section Officers, as per Gradation List with reference to his junior with effect from 12.6.80, with all consequential benefits.

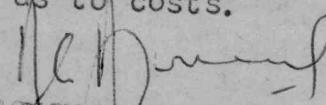
3. The learned counsel for the respondents has contended before us that the claim of the applicants is not tenable and that the issue has been settled by a Division Bench of this Tribunal by the order dated 22.8.2000 in OA Nos. 733 and 734 of 1994. The said order shows that the Tribunal found that promotions were granted to persons junior by an order dated 11.9.84 and the applications had been filed in 1994 and there was no satisfactory explanation for inordinate delay. Even on merits, the claim of the applicant was found unsustainable by another Division Bench of this Tribunal.

4. We also find that the Respondents have referred to the order of Hon'ble Supreme Court of India in Civil Appeal No.4036 of 1993 dated 24.2.94 in which in the case of Sri O.P. Khare it was decided that the relief granted by the Central Administrative Tribunal, Allahabad Bench to Sri O.P. Khare was confined to him alone and there was no pronouncement of law on the issue made. We also find that the Respondents have placed reliance on the order of the Chandigarh Bench of Central Administrative Tribunal in TA No.11-C 1 of 1992 dated May 5, 1995, in which in a similar situation, the relief claimed by the applicant was considered as devoid of merit, because the eligibility considerations required that the service of 14 years in Section Officer's grade or crossing of 3/4 span of pay of ordinary grade was essential and the applicants did not fulfil the eligibility condition, but were claiming the relief merely on the ground that their juniors have been promoted. Hence, on merit as well as on ground of limitation, we find that the relief is inadmissible and the applications are, therefore, dismissed with no order as to costs.

Nath/

  
( S. DAYAL )

MEMBER (A)

  
( ASHOK AGARWAL )

CHAIRMAN