

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 25th day of April 2000.

Original Application no. 390 of 1995.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member
Hon'ble Mr. M.P. Singh, Administrative Member

1. Ajai Das,
Zerox Operator, S.S. Grade III
Library Section CART Izatnagar,
Bareilly.
2. Jagdish Chandra, Carpenter,
S.S. Grade IV Layer Form CART Izatnagar,
Bareilly.

... Applicants.

C/As Sri Y.S. Saxena

Versus

1. Director Research Institute CARI, Izatnagar,
Bareilly
2. Secretary Union of India Ministry of Agriculture,
New Delhi.
3. Administrative Officer CARI, Izatnagar,
Bareilly.
4. Vijai Prakash Yadav, IIIrd Grade attended CARI,
Izatnagar, Bareilly.
5. Sri Badshah IIIrd Grade, Attended CARI, Izatnagar
Bareilly.

... Respondents

C/Rs Sri N.P. Singh

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O R D E R

Hon'ble Mr. M.P. Singh, Member-A.

The applicants have challenged the order of DPC held on 18.4.85.

2. The brief facts of the case are that the applicants joined the Ministry of Agriculture as Zerox operator & Carpenter on 2.6.83 and 10.9.73 respectively. Their main grievance is that they have been denied promotion whereas their juniors, respondent no 4 & 5, have been promoted. The applicant no. 2 vide MA 454 of 2000 has now stated that the relief sought for by him has already been given to him. As per suppl. Affidavit the, applicant no. 2 has approached this Tribunal against the representation dated 8.12.94 addressed to Director, Central Avian Research Institute, Izatnagar, Bareilly for promotion to T 1 Post under 20% Departmental Promotion Quota. In the above mentioned OA, CA and RA have already been exchanged and the case is mature for final hearing. In the meantime the Respondents have considered the case of applicant no. 2 and promoted him from SS Grade IV (Carpenter) to the post of T-1 (Carpenter) in the scale of Rs. 3200-4900 vide order dated 16.8.99. In this regard applicant no. 2 has given an affidavit dated 18.8.99 to the respondents which has been filed as annexure 2 to the Suppl. Affidavit. According to which it is requested that the name of applicant no. 2 be deleted from the

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above OA. The prayer of applicant no. 2 was allowed and application in respect of applicant no. 2 was dismissed by the Tribunal on 2.3.2000.

3. As per Govt. notification dated 12.4.90 the applicant no.1 became eligible for ^{his} promotion. As per seniority list also the applicant was placed at sl. no. 1 whereas respondents no 4 and 5 were placed at sl. no. 3 and 4. According to the applicant no. 1, ^{not} he was not promoted by the respondents to the post of T-1 category. He, therefore, made representations to the respondents, which was rejected. He has, therefore, filed this OA and seeks direction to respondents No 4 & 5 to promote the applicant to category T-1 of Group 'C'. ^{has} He has also sought direction to the respondents to produce the proceedings of DPC held on 18.4.95.

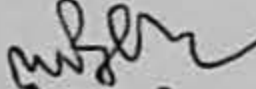
4. The respondents in their CA has stated that as per letter dated 12.4.90 the criteria for seniority will be length of service in the particular Grade and the service rendered ~~on~~ ⁱⁿ an office establishment/field/Laboratory/Workshop may be treated as experience for T-1 posts as well as administrative post. However, the posts under Technical service and Administrative Side will be filled by promotion strictly in accordance with the prescribed quotas. According to them the length of service is main criteria for promotion to the said post. It is ^{clear} ~~clear~~ seen from annexure ^{CAT} 2 that the date of appointment of respondent no. 4 Shri V.P. Yadav was 23.9.71 and respondent no. 5 Shri Badshah was 1. ³ ~~8~~.69. The applicant was appointed on 2.6.83. It is, therefore, quite clear


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that the respondent no. 4 and 5 were much senior to the applicant.

5. In view of the facts that respondent nos 4 and 5 were much senior to the applicant and they were rightly promoted on the basis of seniority, the applicant has, therefore, no case and the OA is dismissed accordingly. No order as to costs.


Member-A


Member-J

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