

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

DATED : ALLAHABAD THIS THE 12th DAY OF MARCH, 1996.

CORAM : Hon'ble Mr. Justice B. C. Saksena, Vice-Chairman
Hon'ble Mr. S. Das Gupta, Member-A.

ORIGINAL APPLICATION NO. 753 of 1995.

Suresh Chandra Saxena, s/o. late
Sri Ram Kumar Saxena, resident of
46, Krishna Nagar, Izat Nagar, District
Bareilly.

....Applicant.

(THROUGH ADVOCATE SHRI K. P. SINGH)

V E R S U S

1. The Union of India, through its Secretary, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Army Head Quarter, New Delhi.
3. The Chief Engineer, Head Quarter, Central Command, Lucknow.

.....Respondents.

(THROUGH ADVOCATE SHRI PRASHANT MATHUR)

O R D E R (Oral)

(By Hon. Mr. Justice B. C. Saksena, V.C.)

The applicant's case is that he has initially appointed on 26.8.1960 as Clerk in the scale of Rs. 60-110 in the Harijan and Social Welfare Department of U. P. State. Thereafter pursuant to an advertisement dated 18th August, 1963 the applicant submitted his candidature for appointment to the post of Store Keeper Grade II and he joined as Store Keeper Grade II on 7.10.1964 under Chief Engineer, Central Command, Lucknow. The

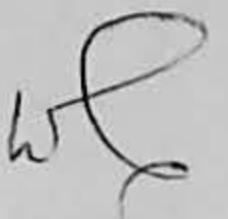
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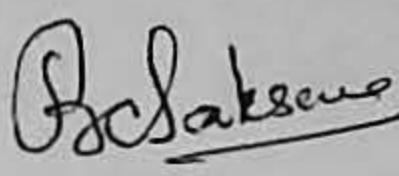
applicant's case is that in view of circular of Headquarter Central Command, Lucknow dated 25th August, 1976, a copy of which is Annexure-3, he was entitled to be assigned seniority counting his service under the U. P. Government. The applicant appears to have made some representations on which order dated 11.10.1994 (Annexure-1),^{containing} the decision of E-in-C, Branch Army Headquarter has been communicated to the applicant. It has been indicated in the said letter that applicant's services rendered in Harijan and Social Welfare, U. P. for the period from 26th August, 1960 to 6th October, 1964 could have been counted provided the applicant had immediately made a representation of joining in the MES. Since this was not done and now all relevant documents had been destroyed, It has been indicated that the case cannot be re-opened at this belated stage. It has further been indicated in the order that since the applicant has already completed 30^{Years} taken 16 years of qualifying service for pension, he is not loosing anything. It was also indicated that even if his past service under U.P. Government is to be counted, it would be only for pensionary benefits and not for the purposes of promotion. The other claim of the applicant for assignment of seniority is also rejected on the ground that old record has already been destroyed and nothing can be done. The applicant is claiming a direction to be issued to the respondents to fix seniority with effect from 26.8.1960 on the basis of the letter dated 25.8.1976 issued by the Chief Engineer, Central Command, Lucknow. The reason set-out in Annexure-2 for not ~~exceeding~~ ^{acceding} to the claim of the applicant to our mind are justified. The applicant

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despite seeking time to file supplementary affidavit
has ^{filed}
~~is not filing~~ ^{for} the same. Thus, the applicant has not
proved to our satisfaction that the rejection of his
request in any manner affects the applicant. ~~@@~~

2. In the circumstances, the O.A. lacks merit
and is accordingly dismissed summarily.


MEMBER-A


VICE-CHAIRMAN

Dated : ALLAHABAD MARCH 12, 1996.

(Pandey)