

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 28th day of May, 2002.

Original Application No. 1160 of 1995.

CORAM :-

Hon'ble Maj Gen KK Srivastava, A.M.

Hon'ble Mr. AK Bhatnagar, J.M.

M.S. Gosain

Office Superintendent, Map Record and
Issue Officer, Survey of India,
Dehradun.

(Sri Y.K. Saxena, Advocate)

..... .Applicant

Versus

1. Union of India represented by its
Secretary, Department of Science & Technology,
Technology Bhawan, New Mehrauli Road,
New Delhi-110016.

2. Surveyor General of India, Survey
P.B. No.37, Hathibarkara Estate,
Dehradun-248001.

3. Director, Map Publication Directorate,
Survey of India, Hathibarkara Estate,
Dehradun.

(Sri Satish Chaturvedi, Advocate)

..... . Respondents

O R D E R (O_r_a_)

By Hon'ble Maj Gen KK Srivastava, A.M.

In this OA filed under Section 19 of the
Administrative Tribunals Act, 1985, the applicant has
prayed that the respondents be directed to consider the
case of the applicant for promotion to the post of
Head Clerk, O.S. and Establishment Accounts Officer w.e.f

20-10-1975, 14-12-1987, 17-7-1991 and 28-8-1992 respectively with all consequential benefits.

2. The facts of the case, in short, are that the applicant was appointed in the respondent's establishment as LDC on 2-2-1959. He was promoted as UDC on 22-9-1964 and confirmed as UDC on 15-6-1972. As per applicant his junior one Sri Bilayati Ram ^{was} appointed as LDC from 5-5-1961 was promoted as UDC on 5-11-1964 and confirmed as UDC alongwith the applicant. On promotion of Sri Bilayati Ram, one Sri KP Kutty Nair filed an OA No.857/94 claiming similar relief before the Hyderabad Bench of this Tribunal ^{claiming} that he should be granted promotion from the date his junior Sri Bilayati Ram was promoted. OA No.857/1994 was allowed by the order dated 6-12-1994 (Annexure-4).

3. Sri YK Saxena, counsel for the applicant submitted that two more OAs claiming similar reliefs were filed before the Hyderabad Bench of this Tribunal; one, by Sri P.D. Sharma (OA No.1065/1995) and the other by Sri Hardayal Singh, (OA No.1067/1995). Both these OAs were allowed by the Hyderabad Bench of this Tribunal by order dated 23-7-1998. The orders passed by the Hyderabad Bench of this Tribunal have been complied with by the respondents, by Surveyor General of India order dated 10-7-2000 (Annexure-RA-3).

4. Learned counsel for the applicant further submitted that all the applicants in the abovementioned OAs were senior to Sri Bilayati Ram and they have been given benefits whereas the applicant, who retired on 29-2-1996 has been ignored because he had already superannuated and was not ^{on} ⁱⁿ the strength of the respondent's establishment.

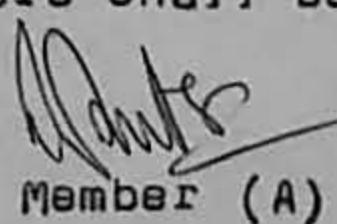
5. We have closely perused the records and have also considered the submissions of the learned counsel for the parties.

6. The applicant was senior to Sri Bilayati Ram as it transpires from the seniority list of UDC and also the seniority list of Head Clerks filed as Annexure-2 and 3 respectively. The seniority list of the Head Clerks filed at Annexure-3, the name of Sri PK Kutty Nair appears at Serial No.36, while the name of the applicant appears at Serial No.54 and that of Sri Bilayati Ram at Serial No.68, which leaves no doubt in our mind that the applicant is senior to Sri Bilayati Ram and is entitled for similar relief which has been granted to the applicants in various OAs as mentioned above filed before the Hyderabad Bench of this Tribunal. The decisions of the Hyderabad Bench of this Tribunal in OA Nos.587/94, 1065/95 and 1067/95 are squarely applicable in the present case. Since the respondents have implemented the orders of the Hyderabad Bench of this Tribunal in OA Nos.1065/95 and 1067/95 and the advantage has been given to other similarly placed persons, in our opinion, the applicant cannot be ignored, even though he has retired.

7. ~~In re~~ ^{On overall} consideration the OA is allowed. Respondent nos.2 is directed to give ⁱⁿ ~~some~~ benefits to the applicant as has been given to similarly placed persons vide order dated 10-7-2000. Since the applicant has already retired, fixation of his pay will be done notionally. He will not be entitled for arrears. However, he shall be entitled for the revised pension worked out on the basis of notional pay fixed. There shall be no order as to costs.

Dube/

Member (J)


Member (A)