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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 8th day of January, 2001

Original Application No. 1470 of 2000

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Mr. S. Dayal, A.M.

Sri Amirt Lal S/o Late Sri Durga Prasad

R/o 56, Subedarganj, Allahabad at present

posted as Mason, Vehicle Factory, Jabalpur.

(Sri BP Srivastava, Advocate)

. . . . . Applicant

Versus

1. Union of India through the Secretary  
Ministry of Defence, Government of India,  
New Delhi.
2. The Senior General Manager,  
Vehicle Factory, Jabalpur.
3. The Secretary, Ordinance Factories Board Section,  
A/J.C.M., K-A, Auckland Road, Calcutta.

. . . . . Respondents

ORDER (O r a l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.


This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 by the applicant, challenging the order dated 2-11-2000 by which his claim for promotion has been rejected. Earlier the applicant had filed a writ petition no.12397/91 which was transferred to this Tribunal and ~~which~~<sup>it</sup> was registered as TA No.8/99. The application was disposed of finally by the order dated 31-8-2000. The Tribunal after considering the case of the applicant in detail passed the following orders :-

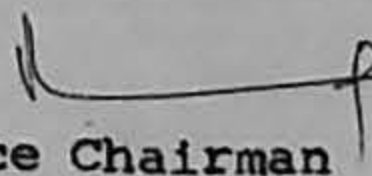


"9. As regards next promotion of the applicant, it has been stated on behalf of the respondents that the applicant was not eligible for promotion during the period of his absence and disciplinary action was also pending against him. The respondents have, however, not clarified as to why his case for next promotion has not been considered despite the period of penalty being over. Therefore, under these circumstances, direction may be issued to the respondents to consider the case of the applicant for further promotion."

10. We, therefore, dispose of this case with the direction to respondent no.2 to consider the case of the applicant for promotion and pass appropriate order within three months from the date of communication of this order. There shall be no order as to costs."

2. From the perusal of the aforesaid order, it is clear that the Tribunal directed the authorities to consider the case of the applicant for promotion after the period of penalty was over. The respondents have ~~not~~ considered the case of promotion of the applicant and by the impugned order they have not found him entitled for the same on account of his transfer from Kanpur to Jabalpur on compassionate ground and loss of seniority. At Jabalpur the applicant joined on 23-1-89. If the seniority of the applicant is reckoned from the aforesaid date, there was no person junior to him who had been promoted in the higher grade i.e. Mason Higher Scale I, and he has not been superseded by any junior. The applicant shall be considered for promotion on his turn. We do not find any error in the order. The application is rejected with no order as to costs,

  
Member (A)

  
Vice Chairman

Dube/