

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

MONDAY, THIS THE 23RD DAY OF SEPTEMBER, 2002

ORIGINAL APPLICATION NO. 32 of 2002.

HON. MAG. GEN. K.K.SRIVASTAVA, MEMBER-A

HON. MRS. MEERA CHIBBER, MEMBER-J

Mahendra Kumar,
s/o Shri Jai Prakash,
r/o MES Roorkee,
Dist: Haridwar.

....Applicant

(By Advocate:-Shri A.Pathak
Shri N.Agarwal

Versus

1. Union of India through Defence Secretary,
Ministry of Defence,
New Delhi and others.
2. Engineer-in-Chief(E-inC's Er) Army Headquater
Kashmir House, New Delhi.
3. Chief Engineer HQ Central Command,
Lucknow.
4. Chief Engineer,
Bareilly Zone Sarvatra Bhawan Station Road,
Bareilly Zone Cantt.
5. Garrison Engineering,
(MES) Roorkee.
6. Chief Works Engineering (Hills) Dehradun,
Notice Under Section-80 CPC for
7. Mam Raj, wireman,
MES, Roorkee

...Respondents

(By Advocate:-Shri R.C.Joshi

O R D E R

HON.MRS.MEERA CHIBBER, MEMBER-J

This application has been filed by the applicant against the order dated 2-7-2002 whereby the question of anomaly in applicant's seniority has been rejected by the respondents. According to the applicant the representation of the applicant has been rejected in most arbitrary and negligent way and no reasons have been assigned for rejecting the claim of the applicant. The applicant's counsel has drawn our attention that the higher authority's

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stand clearly shows that in-justice has been done to the applicant and his case needs to be re-considered from time to time. Infact vide letter date 15-9-1984 (Annexure-5) office of the Commander works Engineer(P) had recommended that higher authorities to release the vacancies of wireman for local recruitment ~~so~~ that it may be possible to close the case of the ^{by Dr. him} applicant ~~being~~ adjusting [^] therein. Similarly, the letter dated 6-7-2000(Annexure-7) also shows that ^{stating P} the respondents have themselves been ~~shown~~ that it is astonishing to note that the individual has been representing this case since August , 1981 till January,1999 time and again but no fruitful result from HQ has been received in this regard. A thoughtful look on the case of individual should ^{W.D.R. 42} have been given by ~~one~~ in updating the case then and their in liquidating the long pending issue for no fault on the part of the worker. Therefore, in the end it was once again requested the whole ^{may be} issue/gone through with transparency and ~~you~~ detailed replies may please be furnished by 25-7-2000. Therefore, the applicant's counsel ^{was of} has submitted that though his own office fully aware and had been recommended ^B his case from time to time yet the higher authorities have decided to close the case of the applicant by a non speaking order dated 2-7-2002. Thus, finding no other remedy, he approached the Hon'ble HighCourt at Nainital but since according to the HighCourt the alternate remedy lies before the Tribunal, ^{the} ~~the~~ writ petition was dismissed. Therefore, ^{in the} he approached this Tribunal claiming following reliefs:-

(a) the respondents may kindly be directed to consider the case of the applicant and give his due seniority and promotion since 01.07.1972.



(b) the respondents may be directed to award the benefit of three grade structure as provided under E-in-C's Br letter No. 00270/BC/TGS/EIC (III) dated 06.07.1986.

(c) the respondents may be directed to consider the seniority of the applicant as envisaged in letter of Chief Engineer Bareilly Zone, Bareilly letter No. 815608/P/220/EI(2) dated 06.07.2000.

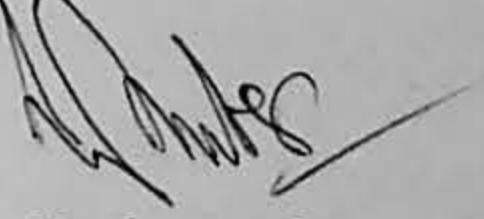
(d) cost of the application and any other relief which this Court deems fit kindly be awarded to the applicant.

2. We have heard the learned counsel for the parties and perused the pleadings available before us.

3. We have seen the various letters written by the officers themselves with regard to the applicant's grievance and gone through the reply given by the higher authorities. We are satisfied that the reply given by the respondents/higher authorities is without application of mind and cannot be said to be a speaking order. Therefore, the same is quashed and set-aside and the matter is remitted back to the competent authority to re-consider the matter and after applying their mind to the various aspects raised by the applicant ^{should} ~~and~~ pass a detailed speaking and reasoned order within a period of three months from the date of receipt of a copy of this order ~~and~~ ^{and} intimation to the applicant. If the applicant is still aggrieved, it will be open to the applicant to approach this Tribunal.

4. With above direction, the O.A is disposed of with no order as to costs.


Member- J.


Member- A.

/Anand/