

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 26TH DAY OF MAY 2009)

PRESENT

HON'BLE Mr. Justice A.K. Yog, MEMBER (J)
HON'BLE Mrs. Manjulika Gautam, MEMBER (A)

**ORIGINAL APPLICATION No. 369 OF 2002.
(Under Section 19, Administrative Tribunal Act, 1985)**

Om Prakash Mishra aged about 41 years S/o Sri Triyugi Narain Mishra U.D.C. (Asstt. Cashier) O.C.F. R/o Or. No. H.A. 6/1 Married Line, Factory Estate Shahjahanpur.

.....Applicant.

By Advocate: Sri K.C. Saxena

Versus

1. U.O.I. Through Secretary, Ministry of Defence Production, New Delhi.
2. The Chairman Ordnance Factory Boardo 10-A, Shahid Khushi Ram Bose Road, Kolkata.
3. The General Manager, O.C.F., Shahjahanpur.
4. Kali Charan No 6667 vide FO Part II No 832 d/ 1.6.2000
5. Imtiaz Ahamad Khan Chargeman II/NT:Ts vide FO Part No 994/d/2.
6. Roop Chand Assistant
7. Nand Kishor C.M. II/NT (No 8331)
8. S. K. Gandhi No 6638 Assistant) vide FO Part II No 1186 dt 6.8.2000
9. Mohd. Abid Hussain No 6641 Asst.) vide FO Part II No 1186 dt 6.8.2000
10. Om Prakash No 6639 Asst.) vide FO Part II No 1186 dt 6.8.2000

11. Md. Akhtar Khan No 6647 Asst) vide FO Part II No 1186 dt 6.8.2000

12. Ram Prakash No 8321 Asst) vide FO Part II No 1186 dt 6.8.2000
All C/o General Manager O.C.F. Shahjahanpur.

..... Respondents

By Advocate: Shri P. Krishna.

ORDER

(Delivered by: Justice A.K. Yog, Member-Judicial)

Heard learned counsel for the parties. Perused the pleadings and the documents on record.

2. By means of present O.A. applicant claims following relief/s:-

8. Relief Sought

(i) *That the Hon'ble Tribunal be pleased to grant declaration that instructions contained in O.F.B. Kolkata letter No. 340/UDC-Cashier/INST/A/NT (LC) dated 30.03.2001/04.04.2001 (Annexure with O.A.) issued by O.F.B. Kolkata as unenforceable being without concurrence of the Finance Department and the CCA (Fys) and ultra vires the SRO 149 dated 26.07.1991 issued by the President of India under Article 309 of the constitution.*

(ii) *Writ of certiorari canceling the order of O.F.B. dated 30.3.2001/4.4.2001 for preparation of fresh seniority list of U.D.Cs in the light of C.A.T. Bench Jabalpur order in O.A. No. 605 of 1992.*

(iii) *Cancellation of seniority list prepared on 11.05.2001 downgrading the seniority of the applicant to 126.*

(iv) *Writ of mandamus to respondents to continue to maintain the old seniority list of 20.11.99 showing the applicant at Sl. No. 31.*

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(v) *Writ of mandamus to respondents to make promotions to the next promotional post of O.S. Grade II according to the seniority list of 20.11.99 and if any promotion is made contrary to that seniority list to cancel that promotion and allow monetary benefit with the due date applicable to the applicant as if seniority list of 11.05.2001 did not exist.*

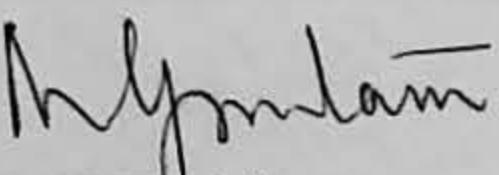
(vi) *Replace the old seniority of the applicant at Sl. No. 31 as in seniority list of 20.11.99.*

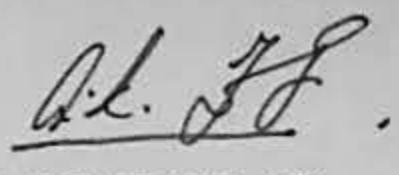
3. By means of interim order Respondents have been directed to keep one reserved. However, this O.A. primarily pertains to dispute question of inter-se seniority. The Applicant is relying upon judgment dated 30.07.1994 in O.A. No. 605/1992 passed by Central Administrative Tribunal, Jabalpur Bench. Considering that the documents filed by the applicant (particularly alongwith compilation-II) are not legible and also that the determination of seniority will require verification of dates/facts from original record, it is expedient that the Applicant may raise his grievance before Departmental Authorities (who are in advantageous position) to decide the issues raised by him.

4. In the totality of the circumstances, we direct the applicant to file a fresh comprehensive representation raising present grievance before Respondent No. 3/ General Manager, Ordnance Factory, alongwith certified copy of this order and said Respondent No. 3 shall decide the same within a period of 4 months from the date of the

receipt of certified copy of the order, (as contemplated above) provided said Representation of the applicant (provided it is filed within stipulated period) by passing a reasoned and speaking order in accordance with law.

6. O.A. stands disposed of, subject to the above direction/observations. No costs.


MEMBER (A)


MEMBER (J)

/S.Verma//