

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD.

Original Application No.1115 of 2002.

Allahabad this the 27th day of May 2003.

Hon'ble Mr.Justice R.R.K. Trivedi, V.C.

Hon'ble Mr.S.K. Agrawal, A.M.

Prabhu Nath Yadav
son of late Pancham Yadav
aged about 55 years
Original R/o Dundwa Kukrauthi Post Kukrauti
District Varanasi (Bhadohi) Temporarily residing
at Village Khubhanpur, Chauli.

.....Applicant.

(By Advocate: Sri O.P. Gupta)

Versus.

1. Assistant Director (Amin.II)
O/o Development Commission (Handicrafts)
West Block No.7, R.K. Puram New Delhi-110066.
2. Deputy Director
O/o Development Commissioner (Handicrafts)
Regional Office B-46 Mahanagar Bishter Lucknow.
3. Assistant Director C.W.T.C/Service
Central Dehradun, Vijay Park Bishter
House No.4693 Dehradun.
4. Union of India
through Secretary
Ministry of Textile, Government of India,
New Delhi.

.....Respondents.

(By Advocate: Sri G.R. Gupta)

O R D E R

(HON'BLE MR.JUSTICE R.R.K. TRIVEDI, V.C.)

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged the seniority list dated 17-01-2000 filed as Annexure 5. In this list applicant has been mentioned at Sl. No.322 and ~~the~~ date of birth of the applicant has been shown as 12.04.1947 and date of regularisation has been shown as 02.12.1996. There is no date of entry into the service in column No.3.

2. It appears that applicant had absented himself from duty for long time and when he was not allowed to join



in service, he has filed O.A. which was registered as O.A. No.898 of 1990 and it was decided finally by order dated 12.05.1994. The direction given was as under:

"In the result, the petition is partly allowed. The applicant shall be reinstated in service forthwith and in any case, not later than a month from the date of communication of this order. The respondents, however, shall be at liberty to take appropriate action in accordance with law for the alleged unauthorised absence on the part of the applicant. On completion of the proceedings, the respondents shall consider the regularisation of the services of the applicant in compliance with the judgment and order dated 09.08.1988 of this Tribunal. We, do not, however, order payment of any back wages".

3. In pursuance of the order of this Tribunal, respondents passed the order on 15.07.1994 and in pursuance of which applicant was allowed to join by order dated 02.08.1994 which reads as under:

"माननीय केन्द्रीय प्रशासनिक न्यायाधिकरण, इलाहाबाद के मल वाद 898/90 श्री प्रभानाथ यादव बनाम भारत संघ के निर्णय के सम्बन्ध में महायात्रा नई दिल्ली के पत्रांक 15/40/90-प्रशासन 11/1901 दिनांक 15 जलाई, 94 में निर्देशांकों के अनुपालन में श्री प्रभानाथ यादव ग्र० 0 इटवा, पो० ककरांठी, जनपद- झंदोही को सहाय्यक अन्देशाक के पद पर उनके कर्तव्य भास झंड्यटी हेतु इस कायलिय में रिपोर्ट करने की तिथि से, सेवा में बहाली किया जाता है

श्री यादव को निर्देशा दिया जाता है कि वे तत्काल झंड्यटी हेतु निर्देशाक्र० म० कायलिय, लखनऊ में रिपोर्ट करें।

उप निर्देशाक्र० म० के अनुमोदन से जारी ।",

4. From the aforesaid order, it appears that applicant was reinstated in service w.e.f. his joining under order dated 02.08.1994 the date may be some time after 02.08.1994. Thereafter the applicant was all regularised in pursuance of the direction of this Tribunal dated 02.12.1996. In the order dated 17.01.2000 (Annexure 5) it has been clearly provided that representation/objection/suggestions in this respect if any are invited through proper channel so as to reach to the Assistant Director before/upto 15.02.2000. It has been further provided that representations/objections/suggestions received in this office after the closing date shall not be entertained. The applicant claims that he filed

objection on 01.02.2000, a copy of which has been filed before us as Annexure 6. It is also claimed that this objection filed by applicant has not been decided by the respondents and is still pending.

5. At this stage, it ^{may be} mentioned that respondents were granted several opportunities to file counter reply. However, counter reply has not been filed inspite of last opportunity given on 21.11.2002. In the circumstances, the averments made by the applicant in this O.A. are uncontroverted and we are accepting them for passing this order. In our opinion if the objection was filed against the seniority list, it was obligatory on the respondents to decide the same by a reasoned order.

6. Considering the aforesaid aspect, we dispose of this O.A. finally with a direction to respondent No.1 to consider and decide the representations/objections/suggestions of the applicant against the seniority list by a reasoned order within 3 months from the date, a copy of the order is filed before competent authority.

No order as to costs.



Member-A



Vice-Chairman.

Manish/-