

Seniority / Promotions
1007
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 235 of ~~198~~ 1991
~~TAX No.~~

DATE OF DECISION 18.7.1991

Mr. M.A. Patel Petitioner

Mr. R.K. Mishra Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. P.M. Raval Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh : Administrative Member

The Hon'ble Mr. R.C. Bhatt : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal. *No*

Mr. M.A. Patel,
1233, Near Gaikwad Haveli,
Maternity Home,
Raikhad,
AHMEDABAD

: APPLICANT

(Advocate: Mr. R.K.Mishra, present)

VS.

1. Central Board of Trustees, through
Central Provident Fund Commissioner,
9th floor, Mayur Bhavan,
Cannaught Place,
NEW DELHI.

2. Regional Provident Fund
Commissioner,
Bhavishyanidhi Bhavan,
Beside Reserve Bank of India,
Near Income-tax Circle,
AHMEDABAD.

: RESPONDENTS

(Advocate : Mr. P.M.Raval, absent)

CORAM : Hon'ble Mr. M.M. Singh

: Admn. Member

Hon'ble Mr. R.C. Bhatt

: Judicial Member

O R A L - O R D E R

O.A. No. 235 of 1991

Date : 18.7.1991

Per : Hon'ble Mr. M.M. Singh

: Admn. Member

This original application is filed by the applicant with prayer for relief that the respondent authority be directed to promote the applicant to the post of Head Clerk and thereafter to the post of Enforcement Officer/AAO assigning the date of seniority immediately before his junior counterpart came to be promoted by operating the seniority list at annexure A-6 and give all the consequential benefits which came to be given to his junior counterparts and ranked below the applicant.

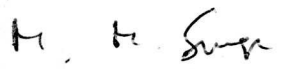
2. In the application where ^{CH} ~~Action~~ ^{figures} of the Order under challenge, ^u no reference is made to any order or date

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there^{of}to which ^{gave}rise to the applicant ^{to} the cause of action. Nevertheless under the heading 'Limitation', the applicant has ^{asserted}ascertained that the application is within time limit in view of the provisions of the Central Administrative Tribunals Act.

3. At Annexure A-6, the applicant figures at serial number 37. His cause of action against any superseding ^{senior} will arise on the date on which Sr. No. 38, appearing immediately below him, or in case Sr. No. 39 is ^{not} promoted, ^{or} anybody after Sr. No. 38 gets his promotion and the applicant does not. The applicant is required to show the specific order by which anybody immediately after him and thereafter junior to him was promoted, and he was not. That order will become the impugned order for the purpose of challenging, and the date of that order will be the ^{date of} ^{case} of action. No such order is annexed in the application. Hence the application does not deserve our further consideration. In between, learned counsel Mr. Mishra for the applicant pressed that this Bench may transfer this case to another Bench if it is found that this Bench is prejudicial. ^{not} We have decided this case on records and annexures with the application, on merits. There is no question of prejudice and no ground made out to transfer this case. The application is rejected.


(R.C. BHATT)
Judicial Member


(M.M. SINGH)
Administrative Member

*Ani.

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2. In the application where action of the order under challenge, no reference is made to any order or date

thereby which give rise to the applicant to the cause of action. Nevertheless under the heading 'Limitation', the applicant has ascertained that the application is within time limit in view of the provisions of the Central Administrative Tribunals Act.

3. At Annexure A-6, the applicant figures at serial number 37. His cause of action against any superseding will arise on the date on which Sr. No. 38, appearing immediately below him, or in case Sr. No. 39 is promoted, or anybody after Sr. No. 38 gets his promotion and the applicant does not. The applicant is required to show the specific order by which anybody immediately after him and thereafter junior to him was promoted, and he was not. That order will become the impugned order for the purpose of challenging, and the date of that order will be the date of action. No such order is annexed in the application. Hence the application does not deserve our further consideration. In between learned counsel Mr. Mishra for the applicant pressed that this Bench may transfer this case to another Bench if it is found that this Bench is prejudicial. We have decided this case on records and annexures with the application, on merits. There is no question of prejudice and no ground made out to transfer this case. The application is rejected.

(R.C.BHATT)
Judicial Member

(M.M. SINGH)
Administrative Member

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