

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 327/91
T.A.NO.

DATE OF DECISION 16.03.1998

Keshavlal Veljibhai Vasvelia & Anr Petitioner

Mr. R.V. Sampat Advocate for the Petitioner [s]
Versus

Union of India & Others Respondent

Mr. Akil Kureshi Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman

The Hon'ble Mr. P.C. Kannan, Member (J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? ✓
- 2, To be referred to the Reporter or not ? ✓
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? ✓

1. Keshavlal Veljibhai Vasvelia,
Sampat Advocates,
Shriji Towers, 2nd floor,
Opp. Old Bus Station, M.G. Road,
Junagadh.
2. Smt. Pushpaben Harsukhrai Bhatt,
26, Nagrik Bank Society, Near
Madharam Society, Timbavadi,
Junagadh - 362 001.
3. Kum. Zankhna Harsukhrai Bhatt,
26, Nagrik Bank Society, Near
Madharam Society, Timbavadi,
Junagadh - 362 001.
4. Milan Harsukhrai Bhatt (Minor),
26, Nagrik Bank Society, Near
Madharam Society, Timbavadi,
Junagadh - 362 001.
5. Puja Harsukhrai Bhatt (Minor),
26, Nagrik Bank Society, Near
Madharam Society, Timbavadi,
Junagadh - 362001.

... Applicants

(Advocate: Mr. R.V. Sampat)

VERSUS

1. The Union Of India - through the
Under Secretary to Govt. of India,
Ministry of Telecommunications,
Parliament Street, New Delhi.
2. The Director General,
Department of Telecommunications,
STG.II Section, Sanchar Bhavan,
New Delhi.

... Respondents

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

O.A./327/91

Dated: 16.03.1998

Per: Hon'ble Mr. V. Ramakrishnan, Vice Chairman

We have heard Mr. Kureshi for the respondents. Mr. Sampat is not present even though he was informed of the date

and he acknowledged the same. In the facts of the case, we are of the view that we can dispose of the OA on the basis of the materials on record and with the assistance we have received from Mr. Kureshi.

2. The first applicant joined as an Engineering Supervisor and has been promoted to T.E.S. Group 'B'. The second applicant, ^{to file} ~~is~~ ^{an} the legal heir of one Shri H.P. Bhatt ^{also} ~~who~~ also had been promoted to T.E.S. Group 'B'. The relief sought for is that they should be accorded the deemed date of promotion in T.E.S. Group 'B' from the date on which the officials passed the qualifying examination in consonance with the provisions of Rule 216 of ^{the} ~~the~~ Manual as interpreted by the Allahabad High Court in the case of Shri P.M. Lal and Shri Brij Mohan.

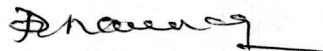
3. The Allahabad High Court in those cases had held that seniority would be determined from the date of passing the qualifying examination. The Department had taken the matter to the Supreme Court but the Supreme Court had dismissed the SLP. The directions of the Allahabad High Court were implemented in those cases. Subsequently, similarly situated employees had approached the Principal Bench in a number of original applications which were disposed of on 22.4.92 where the Tribunal had held that the decision in the case of Shri P.M. Lal and Brij Mohan and judgement of the Tribunal following the said decision constitutes good law and should be followed in similar cases. It also gave certain consequential directions. This also was challenged before the Supreme Court but the Supreme Court upheld this order with a stipu-

lation that arrears could not be given to persons whose seniority gets upgraded on the basis of the selection. The Department had proceeded to issue a general circular dated 28.8.92 as at Annexure R-2 to give effect to the Court decisions in this regard.

4. Mr. Kureshi informs us that this process has since been completed and revised seniority list has been finalised on the basis of the principles laid down in the case of P.M. Lal and Brij Mohan. He also says that in view of the Supreme Court decision, no arrears would be available to persons whose seniority gets upgraded.

5. In the light of the position as brought out above and in the context of the developments which have taken place after filing of the application, the Department's instructions to comply with the Court directions has taken care of the relief sought for.

6. The OA is therefore finally disposed of as infructuous. No costs.



(P.C. Kannan)
Member (J)



(V. Ramakrishnan)
Vice Chairman

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