

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. 68/93

DATE OF DECISION :30.9.99

Mr. C.R. Samtani : Petitioner [s]

Mr. B.P. Tanna : Advocate for the petitioner [s]

Versus

Union of India & ors Respondent [s]

Ms. M.S. Rao Advocate for the Respondent [s]

CORAM

THE HON'BLE MR. V. RAMAKRISHNAN : VICE CHAIRMAN

THE HON'BLE MR A.S. SANGHAVI : 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? ✓

C.R. Samtani,
4, Tejas Society,
Sector 23,
Gandhinagar-382 023.
(Advocate : Mr. B.P. Tanna)

: Applicant.

VERSUS

1. Union of India,
(through the Secretary,
Govt. of India,
Ministry of Home Affairs,
Department of Personnel,
& Administrative Reforms,
New Delhi)
2. Union Public Service Commission,
(through its Secretary),
Dholpur House,
New Delhi.
3. The State of Gujarat,
(through the Chief
Secretary, Sachivalaya),
Gandhinagar.
(Advocate : Mr. M.S. Rao)

: Respondents.

Date : 30.9.99

ORAL ORDER
O.A. NO. 68 OF 1993

PER : HON'BLE MR. V. RAMAKRISHNAN : VICE CHAIRMAN

Mr. Tanna is not present for the applicant. Mr. M.S.Rao enters appearance on behalf of respondents in place of Mr. Akil Kureshi. After going through the materials on record and with the assistance, *20.10.99* we have received from Mr. M.S. Rao, we proceed to dispose of this O.A.

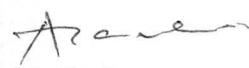
2. The applicant joined service in April, 1956 and from November, 1959 onwards, he was working as Research Officer in State Statistical Service as Class II Officer. From October, 1965 to November, 1978, he was working as Dy. Director in State Statistical Service. The applicant was working as Senior Duty (Joint Director, Ex.Officio Dy. Secretary) in State Statistical Service, from December, 1978 to September, 1986. He was appointed to the IAS Cadre under the Appointment by Selection, ^{Reprobation} regularisation by a notification dated 9.3.87 and was assigned 1983 as his year of allotment. He has alleged that the year of allotment was wrongly given to him and hence, he had not got due placement in the seniority of the IAS Cadre. He states that his year of allotment should have been 1973 instead of 1983. We find from the letter dated 10.3.88 (Annexure A/I), that the applicant has been given 1983 as the year of allotment in the State IAS Cadre. This letter also indicates his relative position in 1983. The applicant had made representations on 29.7.88 and 21.3.90. We have gone through the speaking order dtd.10.3.1988, referring to year of allotment of some other officers and has also gone through the judgement of Central Administrative Tribunal of Madras Bench in O.A. No. 536 of 1986 and O.A. No. 851 of 1986.

3. The applicant does not say, as to why, he did not move to the Court soon after submitting his representations, which were not favourably considered. However, We find from the letter dated 3.2.92 (Annexure A/7), the State Govt. had taken necessary action with the Govt. of India and Govt. of India stated that after considering the representation of the applicant and one Mr. Makwana, it was not found possible to revise the year of allotment as 1983, which has been correctly fixed. We find that the

applicant has challenged this ^{letter} order of Union of India to the State Govt. in the present O.A. We also find from the records that the applicant had retired from the service on 30.6.91.

4. Mr. Rao, for the respondents states that year of allotment of the applicant has been correctly fixed in terms of the relevant rules. The applicant was informed about the same on 10.3.88, but he represented to the department ^{soon} thereafter. He retired from the service on 30.6.1991 and after two years, he has chosen to file the present O.A., making it appear that the grievance relates to the rejection of the representation by the Govt. of India on 3.2.92. In fact, the applicant was informed by the State Govt. that Union of India have assigned 1983 as the year of allotment in the State IAS Cadre vide letter dated 10.3.1988. The applicant had submitted representations, but did not seriously pursue the matter and after substantiated lapse of time after his retirement on 30.6.91, he has chosen to file the present O.A. Mr. Rao contends that the application is ~~hopelessly~~ ^{hopelessly} time-barred and revision of the year allotment would have no meaning and the applicant can not seek to grant a higher seniority and notional promotion of higher pay without discharging duties involving higher responsibilities.

5. We find force in the submissions of Mr. Rao and we do not find any merit in this O.A. which is dismissed. No costs.


(A.S. Sanghavi)
Member (J)


(V. Ramakrishnan)
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI

Application No.

of 19

Transfer Application No.

Old Writ. Pet. No.

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated: 04-11-99

Countersigned.

Section Officer/Court Officer.

Signature of the Dealing
Assistant

1
Dr. R. C. / 1912

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

CAUSE TITLE

O.A. / 68/93

NAME OF THE PARTIES

Mr. C.R. Santawar

VERSUS

U.O.I. & ORS.

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04.	<u>Reply</u>	133 to 143
05.	<u>O.O. dttd. 30-09-99</u>	<u>Charged</u>