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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 366 of 1991

Date of Decision 3.8.1993

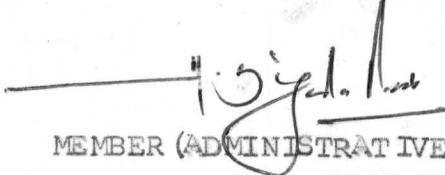
Pranabanandhu Baral Applicant(s)

VERSUS

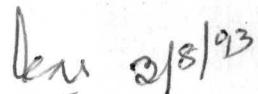
Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? N
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? N


MEMBER (ADMINISTRATIVE)

03 Aug 93


VICE-CHAIRMAN

Aug 28/93

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Pranabandhu Baral

Applicant

VERSUS

Union of India & Others

Respondents

For the applicant

M/s.S.K.Dash
D.Satpathy
P.R.Panda,
Advocates

For the respondents

Mr.D.N.Mishra
Standing Counsel
(Rly.Administration)

C O R A M:

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

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MR.K.P. ACHARYA, VICE-CHAIRMAN, The petitioner was appointed as a Senior Clerk on adhoc basis on 14.4.1986 in the office of the Divisional Mechanical Engineer. A recruitment test was held for regular appointment to the post of Senior Clerk under the direct recruit quota. The petitioner had filed an application for appointment. The petitioner stood a test. He turned out successful and having turned out successful, the petitioner got an appointment on regular basis and it was ordered that the seniority would count from the date on which a particular incumbent takes charge and since the petitioner has taken charge on 23.9.1987, he was treated as a regular appointee from such date. In the meanwhile, some incumbents got promotion to the cadre of Head Clerk for which the petitioner has a grievance stating that juniors have marched over his head. Hence this application has been filed with the aforesaid prayer with a prayer to direct the opposite parties to publish the seniority list in the post of Senior Clerk and further to give promotion to the petitioner with effect from the date on which his juniors have been promoted; entitling him to all financial emoluments.

2. In their counter the opposite parties maintain that none of the juniors have been allowed to march over the head of the petitioner by giving them promotion to the post of Head Clerks. Those persons, who have been promoted to the post of Head Clerk are ~~much~~ senior to the petitioner, and therefore, the contention of the petitioner that he has been superceded is ill founded and deserves no merit.

3. We have heard Mr.S.K.Dash, learned counsel for the petitioner.

petitioner and Mr.D.N.Mishra, learned Standing Counsel.

4. We do not like to express any opinion at present regarding the illegality of the contention advanced by Mr.Dash that though the petitioner has come under the direct recruit, but his services as on adhoc appointee to the post of Sr.Clerk should be computed with effect from 14.4.1986, because of the order we proposed to pass. Mr.D.N.Mishra, learned Standing Counsel invited our attention to Annexure-R/4 which is the provisional seniority list of the incumbents in the grade of Junior Clerk. Admittedly seniority list in respect of the officers in the grade of Senior Clerk has not been drawn up/finalised for considering suitable candidates for promotion to the post of Head Clerks. We would therefore direct the opposite parties to draw up the seniority list of the different incumbents in the grade of Senior Clerk including that of the petitioner and those who have been promoted to the post of Head Clerks within 90 days from the date of receipt of a copy of this judgment. Thereafter, the opposite parties may consider the legalities or otherwise of the promotion given to the alleged juniors of the petitioner who are said to be senior to the petitioner by the opposite parties. Thus the application is accordingly disposed of. No cost.

MEMBER (ADMINISTRATIVE)

3.8.93. Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 3.8.1993/B.K.Sahoo

3.8.93.
VICE-CHAIRMAN