

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH

Date of Order 22.11.95.

O.A. No. 92/1995.

Ishwar Singh

...Applicant.

Vs.

Union of India and others

...Respondents.

CORAM: HON'BLE MR. N.K. VERMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. RATTAN PRAKASH, JUDICIAL MEMBER.

For the applicant - Mr. S.K. Malik, advocate.

For the respondents - Mr. S.S. Purohit, advocate.

O R D E R (ORAL)

(Hon'ble Mr. N.K. Verma, Administrative Member)

...

Heard the learned counsel for the parties.

Shri S.K. Malik, learned counsel for the applicant brought to our notice that the applicant in this OA was appointed as Switch Board Attendant on 8.3.1977 in the pay scale of Rs. 210-290 and he was promoted as Electrician after passing the trade test w.e.f. 1.1.1985. On the other hand, one Surya Prakash Gaur, Respondent No. 4, was appointed as Switch Board Attendant on 3.3.78 and as per 10% promotional quota based on seniority got promotion as a Highly Skilled Grade-II (Electrician) by order dated 30.12.87 with retrospective seniority of 15.10.84. The applicant made representation regarding his being shown junior to Shri Gaur on 16.5.94. Thereafter the matter has been dealt with at various levels, but without any concrete decision over the issue. He has brought to our notice letter dated 7.10.94 from the office of the Commander Works Engineers, Air Force, Jodhpur to the

Chief Engineer, (AF), Ahmedabad wherein all the details of the case have been discussed with a definite recommendation that the seniority of the applicant is to be reckoned w.e.f. 15.10.84 as Electrician as per the policy decision of the E-in-C's Branch and his juniors have already got the benefit. However, no reply to this letter has been received from the higher Headquarters. The applicant, therefore, approached this Tribunal through the OA dated 8.2.95.

3. Shri S.S. Purohit, learned counsel for the respondents had only one point in this regard that if there was any delay in settling this matter it was mainly because of the applicant himself who had not made any representation in this regard till 16.5.94. The orders promoting Shri Gaur were issued on 30.12.87 giving him retrospective seniority over the applicant. He waited all these years for no rhyme and reason and, therefore, the OA is hit by limitation. However, during arguments, Shri Purohit stated that applicant's representation has not been finally decided by the competent authority i.e. C.E. Ahmedabad and it could not be said that his claim has been rejected. As a matter of fact, his claim has all along been supported by every authority in the respondents' organisation right from the Garrison Engineer.

4. Having heard both the parties, we find that there is a merit in this OA to the extent that the name of the applicant was mysteriously absent in the seniority list issued vide Annexure A/7 (which is not dated and not even complete). However, the fact remains

that the applicant is equally at fault in not having brought to the notice of concerned authority the irregular omission of his name from the seniority list or even the injury caused to him by promotion of Mr. Gaur to a higher grade with retrospective effect, thus making Shri Gaur senior to him, even though the applicant was appointed in the cadre of Switch Board Attendant earlier to Shri Gaur, Respondent No. 4.

5. In view of the above, the OA succeeds partially. We direct that the applicant's representation in regard to his position in the seniority list should be decided by the respondents within a period of 3 months from the date of receipt of copy of this order. As regards his inter-se position vis-a-vis Sh. Gaur, Respondent No. 4, we do not want to make any order at this stage as that would ~~depend~~ ^{also} only when his position in the seniority list is properly fixed.

The OA is disposed of with the above directions with no order as to costs.

(RATTAN PRAKASH)
JUDICIAL MEMBER

(N.K. VERMA)
ADMINISTRATIVE MEMBER

"MS"