

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR

ORIGINAL APPLICATION NOS. 270,271,275 &293/2002

Date of decision:

R.K. Bothra and 3 othersPetitioners

Mr. Kamal Dave.....Advocate for the Petitioners.
In O.A. Nos.270/02 and 293/02

Mr. P.V. Calla
Advocate for the petitioners
In O.A. No. 271/02 and 275/02

Versus

Union of India and OthersRespondents.

Mr. Vinit Mathur.....Advocate for the Official
Respondents.

None present for the private respondents.

CORAM:

Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.
Hon'ble Mr. R.K. Upadhyaya, Administrative Member.

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

(R.K. Upadhyaya)
Adm. Member

(G.L. GUPTA)
Vice Chairman



COMPARED &
CHECKED

1/9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of Decision :

8.9.03

O.A. Nos 270, 271, 275 & 293/2002.

Original Application No.270/2002.

1. R. K. Bohra S/o Shri Chintaman Dass ji aged about 36 years, R/o Dhani Bazar, Barmer, official address, Inspector Income Tax, Office of the Addl. Commissioner of the Income Tax, Range 2 Jodhpur.

... Applicant.

Vs.

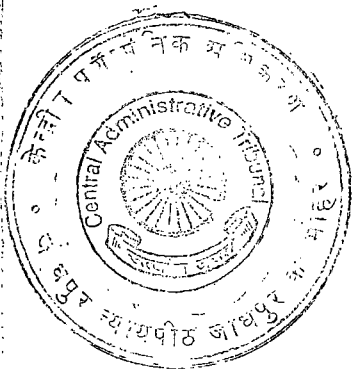
1. Union of India, through the Secretary to the Government, Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. The Chief Commissioner, Income Tax, Jaipur, New Central Revenue Building, Jan Path, Bhagwan Das Road, Jaipur.
3. Chief Commissioner, Income-tax, Jodhpur.
4. The Commissioner of Income-tax, Ist Jodhpur.
5. Shri Giriraj Prasad Sharma, I.T.O., Jaipur, through the Chief Commissioner of Income-tax, Administration Jaipur.
6. Shri Bhavani Shankar Mathur, I.T.O., Shreeganga nagar through Commissioner of Income-tax, Bikaner.
7. Shri B.L.Soni, I.T.O., Jaipur through the Chief Commissioner of Income-tax, Admn. Jaipur.
8. Shri R.S.Joshi, I.T.O. Jaipur, through the Chief Commissioner of Income-tax, Admn. Jaipur.
9. Shri Manmohan, Income-tax Inspector, Jhunjhenu, through the Chief Commissioner, Admn. Jaipur.
10. Shri Khemchand, Income-tax Inspector, Jaipur through the Chief Commissioner, Admn. Jaipur.

Original Application No.271/2002.

G.R. Chalana S/o Shri Suman Rai, aged 55 years, working as Inspector, Income Tax, O/o Additional Commissioner Income Tax, Sri Ganganagar, R/o 62, Adrash Nagar, Sri Ganganagar (Raj.)

...Applicant.

Vs.



(2)

1. Union of India, through the Secretary to the Government, Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. The Chief Commissioner, Income Tax, Jaipur, New Central Revenue Building, Jan Path, Bhagwan Das Road, Jaipur.
3. The Commissioner, Income Tax, Bikaner.
4. Shri Kalu Ram Sharma, Income Tax Inspector, O/o The Chief Commissioner, Income Tax, Jaipur, New Central Revenue Building, Jan Path, Bhagwan Das road, Jaipur
5. Shri Kirori Lal Meena, Income Tax Inspector, O/o The Chief Commissioner, Income Tax, Jaipur, new Central Revenue Building, Jan Path, Bhagwan Das Road, Jaipur.
6. Shri Manmohan, Income Tax Inspector, Income Tax Office, Jhunjhunu (Raj.)

...Respondents.

Original Application No.275/2002.

Bhanwar Lal Soni S/o Shri Khet Mal soni, aged 56 years, working as Inspector, Income Tax, O/o Assistant Commissioner of Income Tax circle, Pali, R/o 42, Ashok Nagar, Mahamandir, Jodhpur (Raj.).

...Applicant.

Vs.

1. Union of India, through the Secretary to the Government, Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. The Chief Commissioner, Income Tax, Jaipur, New Central Revenue Building, Jan Path, Bhagwan Das Road, Jaipur.
3. The Commissioner, Income Tax, Jodhpur.
4. Shri Kalu Ram Sharma, Income Tax Inspector, O/o The Chief Commissioner, Income Tax, Jaipur, New Central Revenue Building, Jan Path, Bhagwan Das road, Jaipur
5. Shri Kirori Lal Meena, Income Tax Inspector, O/o The Chief Commissioner, Income Tax, Jaipur, new Central Revenue Building, Jan Path, Bhagwan Das Road, Jaipur.
6. Shri Manmohan, Income Tax Inspector, Income Tax Office, Jhunjhunu (Raj.)

...Respondents.

Original Application No.293/2002.

Ranjeet Singh Rathore s/o Shri Guman Singh Rathore aged about 47 years, R/o 32, Mohan Nagar Sector 'B' B.J.S. Colony, Jodhpur, official address Inspector IncomeTax, Office of the Income Tax Officer, Pali.

...Applicant.



Vs.

1. Union of India, through the Secretary to the Government, Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. The Chief Commissioner, Income Tax, Jaipur, New Central Revenue Building, Jan Path, Bhagwan Das Road, Jaipur.
3. Chief Commissioner, Income-tax, Jodhpur.
4. The Commissioner of Income-tax, Ist Jodhpur.
5. Shri Giriraj Prasad Sharma, I.T.O., Jaipur, through the Chief Commissioner of Income-tax, Administration Jaipur.
6. Shri Bhavani Shankar Mathur, I.T.O., Shreeganga nagar through Commissioner of Income-tax, Bikaner.
7. Shri B.L.Soni, I.T.O., Jaipur through the Chief Commissioner of Income-tax, Admn. Jaipur.
8. Shri R.S.Joshi, I.T.O. Jaipur, through the Chief Commissioner of Income-tax, Admn. Jaipur.
9. Shri Manmohan, Income-tax Inspector, Jhunjhanu, thorough the Chief Commissioner, Admn. Jaipur.
10. Shri Khemchand, Income-tax Inspector, Jaipur through the Chief Commissioner, Admn. Jaipur.

...Respondents.

Mr.Kamal Dave, counsel for the applicants in O.A. Nos.270 & 293/2002.

Mr.P.V.Calla, counsel for the applicants in O.A. No.271 and 275/2002.

Mr.Vinit Mathur, counsel for the official respondents.

None for the private respondents.

CORAM

Hon'ble Mr. Justice G. L. Gupta, Vice Chairman.

Hon'ble Mr. R. K. Upadhyaya, Administrative Member.

: ORDER :

(per Hon'ble Mr. Justice G. L. Gupta)

In the above mentioned four O.As. the question of fixation of seniority, of the Income-tax Inspectors is involved. They have been heard together and are being disposed of by this common order.

2. Applicants R.K.Bothra (O.A. No.270/2002) and Ranjit Singh Rathore (O.A. No.293/2002) were selected by the Staff Selection Commission for the post of Inspector of Income-tax in

the year 1989. Shri Bothra joined the Gujarat circle on 25.1.1989 and Shri Rathore joined the same circle on 17.1.1989. Both of them requested for their inter-state transfer from Gujarat to Rajasthan. The competent authority accepted their request vide communications dt. 30.3.1992 and 20.2.1992 respectively. Pursuant to their transfer orders Shri Bothra joined at Jodhpur on 13.4.1992 and Shri Rathore joined at Jodhpur on 23.6.1992.

2.1 Shri Giriraj Prasad Sharma (respondent in O.As No.293/2002 & 270/2002) was recruited by the Staff Selection Commission for the post of Inspector of Income-tax in the examination held in the year 1991. He joined as Inspector of Income-tax Jodhpur(Rajasthan) on 20.1.1993. Shri Bhavani Shankar Mathur (respondent in O.As No. 293/2002 & 270/2002) was appointed as Income-tax Inspector against the vacancies of the year 1992-93 and he joined at Jodhpur on 21.1.1993.

2.2. Shri B.L.Soni and Shri R.S.Joshi(respondents in O.As No. 293/2002 & 270/2002) are the promotee Inspectors. They took over as Inspectors on 30.9.1992 and in September, 1992(date not given) respectively. Shri Manmohan (respondent in these O.As) joined as Inspector as a direct recruit on 5.5.1994 against the vacancies of 1992-93 and Shri Khemchand(respondent) joined as Inspector on 23.6.1994 as a direct recruit against the vacancies of the year 1992-93.

2.3. Shri G.R. Chalana, (applicant in O.A. No.271/2002) is a promotee Inspector and he joined on the post of Inspector on 6.8.1993 against the vacancies of the year 1993-94. So also Shri Bhanwar Lal Soni (applicant in O.A. No.275/2002) is a

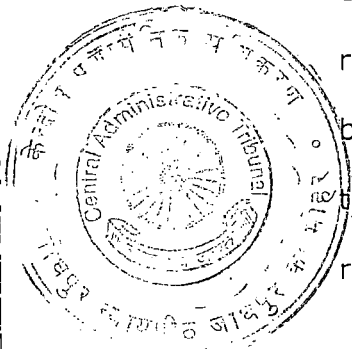


promotee Inspector. He joined as Inspector on 10.8.1993 against the vacancies of the year 1993-94. Shri Kaluram Sharma, (respondent in these O.As) is a direct recruit Inspector. He joined as Inspector on 22.6.1994 against the vacancies of 1992-93. Shri Kirori Lal Meena(respondent in these O.As) is also a direct recruit of the year 1992-93. He joined on 18.5.1994.

2.4. After S/Shri Bothra and Ranjeet Singh Rathore joined at Jodhpur on being transferred from Gujarat, a seniority list showing the position of Inspectors as on 01.09.94 was published, in which the name of Shri Bothra was shown at Sl.No.187 and of Shri Rathore at Sl.No.190. The private respondents of O.A.No. 293/2002 and 270/2002 were shown below Shri Bothra and Shri Rathore keeping in view the dates of their joining at Jodhpur and the dates of joining of the private respondents as Inspectors.

2.5. Some Inspectors made representations against their placement in the seniority list. Therefore a provisional seniority list of Inspectors showing the position as on 1.9.1998 was published on 19.4.1999 in which different seniority position was assigned to the applicants and private respondents. Thereafter, the final seniority list of Inspectors as on 1.9.1998 was published vide Annexure - A-1 dt. 23.9.2002 (impugned herein) in which the position of the applicants and the private respondents was shown as follows :

S/Shri

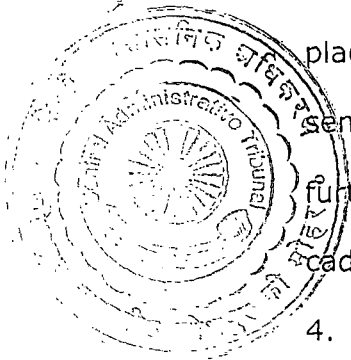


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| | | |
|--------------------------|---|-----|
| 1. Giriraj Prasad Sharma | - | 94 |
| 2. Bhavani Singh Mathur | - | 96 |
| 3. Manmohan | - | 115 |
| 4. Kaluram Sharma | - | 117 |
| 5. B.L.Soni | - | 121 |
| 6. R.S.Joshi | - | 125 |
| 7. Khemchand | - | 134 |
| 8. Kirori Lal Meena | - | 142 |
| 9. R. K. Bohra | - | 145 |
| 10. R.S.Rathore | - | 146 |
| 11. G.R.Chalana | - | 153 |
| 12. Bhanwarlal Soni | - | 155 |

3. The say of S/Shri Bothra and Rathore applicants in OA Nos.270 & 293 is that they should have been given higher seniority on the basis of their date of joining at Jodhpur and all the persons who joined as Inspectors at Jodhpur either by way of direct recruitment or by way of promotion, should have been placed below them. It is stated that because of giving higher seniority to the private respondents, some of them have got further promotions. It is averred that the date of joining in the cadre is the criteria for fixing the seniority.

4. The say of S/Shri G.R.Chalana and Bhanwarlal Soni in O.A. Nos. 271/2002 and 275/2002 is that their seniority position had been rightly shown in the seniority list of 1994 , but their position has been changed in the impugned seniority list without following the principles of natural justice. It is stated that Shri Kalu Ram Sharma was appointed on the post of Inspector after the date of their promotion on the post of Inspector on substantive basis and he joined on 22.06.94 and he cleared the departmental examination in July 1996, and then he became regular Inspector, so he should not have been placed above Shri Chalana, who had been promoted as Inspector on substantive basis in the year 1993. Shri Bhanwar Lal Soni says that Shri



Khem Chand has been given seniority of the year 1992, whereas he was borne in the cadre on 23.06.94. It is stated that the direct recruits who joined after the promotion of the applicants in the year 1993 on substantive basis, could not be given seniority higher than that of the applicants.

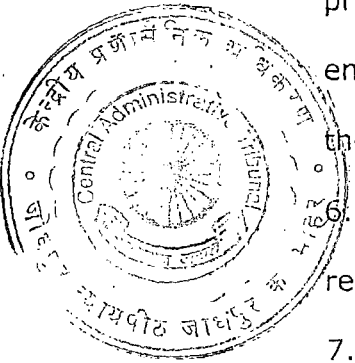
5. The case for the official respondents is that the seniority of Inspectors has been fixed keeping in view the D.O.P.T. O.M. dated 07.02.86 and the circular dated 14.05.90 issued by the Central Board of Direct Taxes (CBDT for short). It is averred that Shri Bothra and Ranjeet Singh Rathore had joined at Jodhpur against the vacancies of 1992-93 and not against the vacancies of 1991 and as such the Inspectors who were promoted /recruited against the vacancies of earlier years were entitled to higher seniority position and that has been done in the order Annex. A.1.

6. The private respondents in all the O.AS have not filed replies.

7. Rejoinders have been filed by the applicants reiterating the positions stated in the OAs.

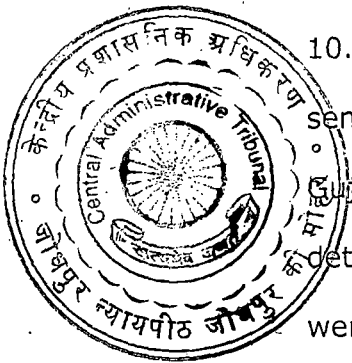
8. We have heard the learned counsel for the parties and perused the documents placed on record.

9. O.M. dated 07.02.86 contains the general principles for determining the seniority of various categories of persons employed in Central services. It provides that how the inter-se seniority is to be fixed where there is recruitment by both the modes viz. direct and promotion, more so when the recruitment, to the vacancies of a year in either mode, is delayed.



10. Circular dated 14.5.90, is on the subject of transfer of non-gazetted staff from one Charge to another Charge. This circular was issued in continuation to CBDT letter dated 30.06.86 on the same subject.

10.1 Para 2(e) of 1990 circular provides that direct recruits coming on transfer will be shown against direct recruitment quota and promotees against the promotion quota. It is provided in para 2(f) that the seniority in the cadre in the charge to which person is transferred will start from the date that persons reports for duty in that cadre, and that he shall be placed at the bottom of the list of the employees of the concerned cadre in the new charge.



10.2 Keeping in view the aforesaid circular of 1990, the seniority of Shri Bothra and Shri Rathore on transfer from Gujarat to Jodhpur in the cadre of Inspector was required to be determined on the basis of the dates of their joining and they were to be placed at the bottom of the list of Inspectors on that date. In other words, the seniority of Shri Bothra and Shri Rathore was to be fixed on the basis of their joining at Jodhpur i.e. 13.4.92 and 23.6.92. They were to be the last persons in the seniority list of direct recruits on the dates of their joining at Jodhpur. On this principle, the names of Shri Bothra and Shri Rathore were rightly shown at Sl. Nos. 187 and 190 in the seniority list published as on 1.9.1994. A perusal of that list shows that as per column number 9 the date of entry into the cadre of Shri Bothra and Shri Rathore is 13.4.1992 and 23.6.1992. It is further seen that in respect of other Inspectors the date of their appointment as Inspector was considered as the

criteria for fixing their seniority and persons who were brought in the cadre of Inspectors after 13.4.1992 and 23.6.1992 were placed below Shri Bothra and Shri Rathore.

10.3. The say of the official respondents is that since representations were received from the existing Inspectors i.e. Private Respondents of O.A. No.270 and 293/2002 the seniority position was changed in terms of the O.M. dt. 7.2.1986.

11. It may be pointed out that O.M. dt. 7.2.1986 does not lay down the principle of fixing the seniority of persons who are transferred from other Charge. This memorandum lays down the general principle for determination of seniority of the Direct Recruits and Promotees where recruitment is to be held by both the mod^{es}_h.

12. For fixing the seniority of the persons who join on transfer from other Charge on their own request, the principle is contained in the circular dt. 14.5.1990 which has been referred to above. Clause (e) (f) and (g) of the said circular are reproduced hereunder:-



Clause (e) :-

The direct recruits coming on transfers will be shown against direct recruitment quota and promotees against the promotion quota.

Clause (f) :-

The service rendered in the old charge will not be counted in the new charge for the purpose of seniority. He/she will be placed at the bottom of the list of the employees of the concerned Cadre in the new charge. Seniority in the cadre in the charge to which person is transferred will start from the day that person reports for duty in that charge. However, he will not rank senior to any official who belongs to a batch selected on merit whose interse seniority is not regulated by date of joining.

Clause (g) :-

On transfer the transferee will forfeit all claims for promotion/confirmation in the old charge. He/she will be eligible for promotion/confirmation only in the new charge in accordance with the seniority allotted to him on transfer.

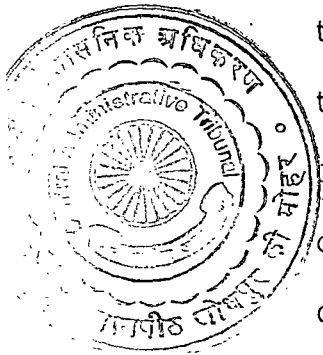
A reading of the paras makes it crystal clear that in the matter of transfer from one Charge to another Charge, the criteria for fixation of seniority is the date of joining in the new charge to which the person is transferred.

12.1 Keeping in view these paras, it has to be held that seniority of Shri Bothra and Shri Rathore will have to be reckoned from the dates of their joining at Jodhpur pursuant to the orders of their transfer. It has further to be accepted that they shall be treated as direct recruits for all purposes.

12.2 The consequence of the principle laid down in the circular dt. 14.5.1990 is that any person joining after the dates of joining of Shri Bothra and Shri Rathore in the cadre of Inspectors in Rajasthan charge will rank junior to them.

13. The official respondents' case is based on the office memorandum dt. 7.2.1986 which, as already stated, is not on the subject of fixation of seniority of the officers who are transferred from one Charge to another Charge. This Memorandum deals with the principle of determining the seniority of Direct Recruits and Promotees.

13.1 A reading of the Memorandum shows that it was issued in continuance to the O.M. dt. 22.12.1959 whereunder para 6 of the Annexure contained the provisions of determination

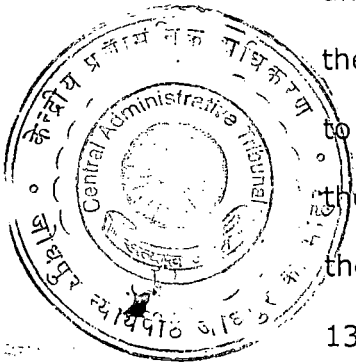


of seniority of Direct Recruits and Promotees. Para 6 of the said O.M. of 22.12.1959 read as follows :-

"The relative seniority of direct recruits and promotees shall be determined according to rotation of vacancies between the direct recruits and promotees, which shall be based on the quota of vacancies reserved for direct recruitment and promotees respectively in the Recruitment Rules."

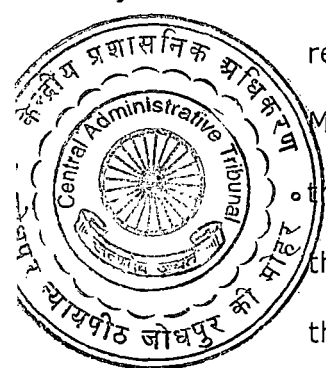
13.2 It is seen from the Memorandum that the aforesaid principle laid down was working satisfactorily in cases where Direct Recruitment and Promotion were made to the full extent of quotas as prescribed under the rules. But where there was delay in the direct recruitment or promotion or where enough direct recruits or promotees were not available, there was difficulty in determining the seniority. In such cases, the slots, meant for direct recruits or promotees which could not be filled up were, left vacant and when the direct recruits or promotees were available such persons were fitted against the vacant slots and thereby they became senior to persons who are working in the cadre on regular basis. It is further seen that that gave rise to litigations and ultimately, the Courts held that in such cases, the direct recruits of later years could not become senior to the promotees with longer years of service.

13.3 In order ^{to} obviate the problem, fresh instructions were issued in the form OM dated 07.02.1986. It is laid down in para 3 of the said Memorandum that the practice of keeping vacant slots for being filled up by direct recruits of latter years and thereby giving them unintended seniority over promotees would be dispensed with. Instead, it is stated, unfilled direct recruits quota vacancies would be carried forward and added to the



corresponding direct recruitment vacancies of the next year and to subsequent years. Thereafter, in that year the seniority will be determined between direct recruits and promotees to the extent of the number of vacancies for direct recruits and promotees as determined according to the quota for that year, the additional direct recruits selected against the carried forward vacancies of the previous year would be placed enbloc below the last promotee, in the seniority list on this rotation of vacancies for that year. In the Memorandum illustration has also been given which says that if two vacancies meant for direct recruitment remain unfilled in one year they shall be filled up in the next year, but the seniority position shall be as per their recruitment in the next year. It is further laid down in the said Memorandum that the promotees will be treated regular only to the extent to which direct recruitment vacancies are reported to the recruitment authorities on the basis of quotas prescribed in the relevant recruitment rules. Excess promotees, if any, cannot be treated on regular basis and they would be treated only as ad hoc promotees.

13.4 It is not the case for the respondents in the reply that prior to the dates of joining of Shri Bothra and Shri Rathore there was delay in promotion of the employees or that because of non-availability of promotees the promotion quota remained unfilled and hence vacancies were carried forward. In the absence of such averments it has to be presumed that the principle mentioned in para 6 of the Annexure to O.M. dt. 22.12.1959 was working satisfactorily.

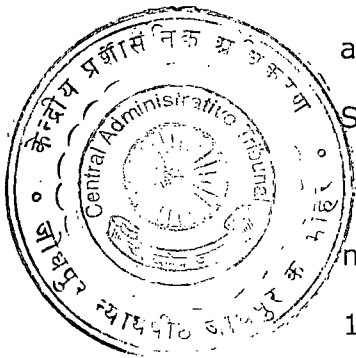


14. In that situation the seniority of Shri Bothra and Shri Rathore will be treated as direct recruits of the year 1992 and their seniority shall be determined on the basis of their dates of joining at Jodhpur. Keeping in view, the principle laid down in the 1990 circular, the O.M. of 1986 does not come into play for fixing their seniority.

15. Shri Soni and Shri Joshi, are the promotee officers. They took over as Inspectors on 30.9.1992. It is manifest that they had joined in the cadre of Inspector after the dates of joining of Shri Bothra and Shri Rathore and therefore, they were not entitled to higher seniority over them.

16. The private respondents Shri G.P.Sharma, Shri Bhavani Singh Mathur, Shri Manmohan and Shri Khemchand are direct recruits. It is admitted position that Shri Manmohan has joined as Inspector on 5.5.1994 Shri Khemchand and Shri Bhavani Singh Mathur on 23.6.1994 and Shri G.P.Sharma on 20.1.1993 i.e. after the dates of joining of Shri Bothra and Shri Rathore. It may be that they had been selected against the vacancies of 1992 or 1993, but that will not make them senior to Shri Bothra and Shri Rathore since it is the date of joining which is material and not the year of recruitment.

16.1. An identical question had arisen for consideration before the Apex Court in the case of Jagdish Chand Patnaik & Ors. Vs. State of Orissa and Ors. [1998 (4) SCC 456]. In that case it was the contention of the direct recruits that their appointment should be treated from the year of recruitment and not on the basis of their dates of joining in the cadre. This contention was repelled by their Lordships. It was held that the expression



"officers are recruited by promotion and by direct recruitment" necessarily means that when they are appointed as Assistant Engineers by the State Government and that there is no justification to go into the question of quota meant for direct recruits and promotees nor is it necessary to find out as to the year in which the vacancy arose against which the recruitment is made. It was further held that the only appropriate and logical construction that can be made of Rule 26 therein was the date of the order under which the persons are appointed to the post of Assistant Engineer and this is the crucial date for determination of seniority under the said rule.

16.2 The learned counsel for the respondents' during the course of argument, did not point out that there is any difference in the rule position of the recruitment rules of the Inspectors. That being so, it has to be held that seniority can be given to persons only on the basis of their dates of joining and it is not material that they were recruited against the vacancies of earlier years or their names were recommended in the earlier years.

16.3 In the case of Suraj Parkash Gupta and others vs. State of J & K and others [2000 (7) SCC 561], it was observed at para 81 of the report that a direct recruit can claim seniority from the date of his regular appointment and he cannot claim seniority from a date when he was not borne in the service.

17. Keeping in view the principle enunciated in the above cases it has to be held that Shri Manmohan, Shri Bhavani Singh Mathur and Shri Khem Chand direct recruits were entitled to have their seniority fixed on the dates of their joining in the cadre and not on the basis of the year of vacancies of their



recruitment. The official respondents have erred in assigning the seniority position to them above Shri Bothra and Shri Rathore.

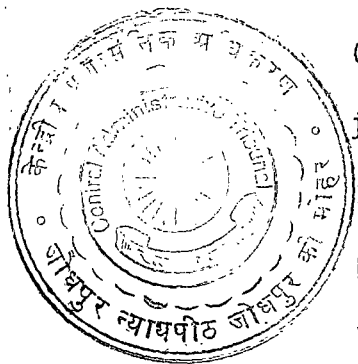
17.1 It may be that, Shri G.P. Sharma was selected in the year 1991, but, as already stated, the year of recruitment is not relevant for the purpose of determining the seniority. It is only the date of joining in the cadre which is relevant.

18. Coming to the cases of Shri G.R. Chalana and Shri B.L. Soni it may be stated that they are promotee Inspectors and had joined in August, 1993 as Inspectors. Their case is that Shri Kalu Ram Sharma, Shri Kishori Lal Meena and Shri Man Mohan who are direct recruits of the years 1992-93 could not rank senior to them as they had joined in the cadre of Inspectors after their dates of joining.

18.1 It is not in dispute that Shri B.L. Soni had joined on 10.08.93 and Shri G.R. Chalana had joined in the cadre on 06.08.93 and that all the private respondents in their cases had joined in May/June 1994.

18.2 The contention of the official respondents is that since the private respondents were appointed against the vacancies of the year 1992 - 93, they were entitled to higher seniority. In our considered opinion, the contention of the official respondents is not acceptable. As already stated, it is only the date of joining in the cadre which is relevant for determining the seniority and not the year of recruitment or the year of vacancies against which the recruitment was made.

18.3 It is not the case for the official respondents that the principle of fixing the seniority on the basis of para 6 of the Annex to OM dated 22.12.1959, was not applicable to the instant



case, because there was delay in direct recruitment and there were carried forward vacancies. Further as per the OM dated 07.02.1986, when the direct recruitment is made as also the promotion quota vacancies are filled in time and there was no break down in the quota rule, there could not be any question of giving higher seniority to the appointees of later dates. It is not the case for the official respondents that the applicants Shri Bhanwar Lal Soni & Shri G.R. Chalana, had been given promotion on adhoc basis or that there was excess number of promotees and therefore their promotion shall be treated as adhoc. When the promotion of the two applicants Shri Bhanwar Lal Soni and Shri G.R. Chalana, was on regular basis, may be against the vacancies of 1993-94, they could not be ranked junior to the appointees of 1994. As already stated, it is not material that the private respondents Shri Kalu Ram Sharma, Shri Kishori Lal Meena and Shri Man Mohan were recruited against the vacancies of year 1992- 1993.

19 In our considered opinion, the official respondents were not justified in changing the seniority position of the applicants Shri Bhanwar Lal Soni and Shri G.R. Chalana as shown in the seniority list assigning the position as on 01.09.94 vis-à-vis the private respondents

20 Consequently all the four OAs are allowed. The seniority list showing the position of the applicants and the private respondents of the four cases is hereby quashed. The official respondents are directed to re-fix the seniority of the applicants and private respondents in the light of the observations made

above. This exercise shall be completed within a period of three months from the date of communication of this order.

20.1 It is further directed that on refixing the seniority, the applicants, if found suitable for promotion to the higher post, should be promoted from the dates, their immediate juniors were promoted, with all consequential benefits.

21. No order as to costs.



(R.K. Upadhyaya)
Administrative Member

(G.L. Gupta)
Vice Chairman.

Jsv.

प्रमाणित की प्रतिनिधि
Madam S. S. 09/9/03
अनुपम अधिकारी (अ.स.स.)
नेतृत्व व सामाजिक अधिकार
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