

IS
2/6

1

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.**

ORIGINAL APPLICATION NO. 210/2007

DATE OF ORDER: 17.09.2007

CORAM

**THE HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN.
THE HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER.**

Mange Ram s/o Shri Nanu Ram, aged 50 years, r/o Ward No. 13, Purani Abadi, Shri Ganganagar ; Ferro Printer Operator in the office of Garrison Engineer, MES (Army), Shri Ganganagar.

...Applicant.

Mr. Vijay Mehta, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Government, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, MES (Army) Shri Ganganagar.
3. Chief Engineer, Western Command, Chandimandir.
4. Chief Engineer, Bathinda Zone, Bathinda, Punjab.
5. Gulab Singh son of Shri Path Singh, Ferro Printer, in the office of Commander Works Engineer, Shri Ganganagar.

...Respondents.

ORDER (Oral)

Per Hon'ble Mr. Kuldip Singh, Vice Chairman



The applicant has filed this Original Application seeking the following reliefs:

"The applicant prays that impugned orders ANN A 1, ANN A 2 and orders mentioned therein may kindly be quashed to the extent they tend to make respondent No. 5 senior to the applicant. The respondents may kindly be directed to grant promotion from 24.09.2005, the date from which the respondent No. 5 was granted promotion which he had foregone with all consequential benefits. The respondents may kindly be directed to assign seniority to the applicant above the respondent No. 5. Any other order, as deemed fit, giving relief to the applicant may also be passed. Costs may also be awarded to the applicant."

hru

2. The applicant alleges that his immediate senior Shri Gulab Singh was promoted to the post of Ferro Printer vide order dated 24.09.2005. However, Shri Gulab Singh had desired to forego promotion and submitted application dated 06.09.2006 wherein he had admitted that he is ready to loose his seniority also. Since Shri Gulab Singh had foregone his promotion, the applicant, who was the next person under the seniority list ought to have been given promotion on the post of Ferro Printer. However, the applicant was not given promotion on the post of Ferro Printer w.e.f. 24th September, 2005 and he has been promoted vide order dated 29th March, 2007. Now again Shri Gulab Singh has been promoted w.e.f. 24th September, 2005 notwithstanding his earlier forgoing of his promotion. Thus, the applicant had become junior to Shri Gulab Singh. The applicant is also stated to have been made a representation vide letter dated 18th April, 2007 (Annexure A/7) which has not yet been decided by the respondents themselves. The applicant, thus, submitted that he had to have been given promotion w.e.f. 24th September, 2005 and department had acted illegally by granting promotion to Shri Gulab Singh from the date i.e. 24th September, 2005 despite the fact that he has foregone his right earlier. However, learned counsel for the applicant submitted that since the representation of the applicant is pending with the department, let the department may be directed to decide his



ka

I/8
I/7

representation and for this purpose, the present Original Application may also be sent to the department and the same to be treated as supplementary representation. Having regard to the request of the learned counsel for the applicant, we direct the respondent-department to decide the representation of the applicant dated 18.04.2007 (Annexure A/7) in accordance with rules and law of limitation, within a period of three months from the date of receipt of a copy of this order. A copy of the present Original Application be also sent to the department which shall be treated as supplementary representation. After the decision on representation, if any grievance still survives, the applicant would be at liberty to approach this Tribunal ^{in accordance with law}. The Original Application, accordingly, disposed of.



R.R. Bhandari
(R.R. Bhandari)
Administrative Member

Kuldip Singh
(Kuldip Singh)
Vice Chairman

kumawat

NO. 215 to 219.
Dt: 10/10/97

Replies
W. H. G.
1901

Part II and III destroyed
in my presence on 04-6-14
under the supervision of
section officer () as per
order dated 26-7-2014

Section officer (Record)