

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.331/93

Friday, this the 18th day of February, 1994

SHRI N DHARMADAN, MEMBER(J)

SHRI S KASIPANDIAN, MEMBER(A)

Trilochan Singh,
Assistant Surveyor of Works,
Office of the Commander Works Engineer,
Kataribagh P.O.
Naval Base, Kochi-682 004.

- Applicant

By Advocate Mr G Sukumara Menon

Vs.

1. Union of India represented by
Secretary,
Ministry of Defence,
New Delhi.

2. The Engineer-in-Chief, AHQ,
Kashmir House, DHQ PO,
New Delhi-11.

3. The Chief Engineer,
Military Engineering Service,
Cochin Zone, Naval Base,
Kochi-682 004.

4. AD Sawale,
Surveyor of Works,
C/o Commander Works Engineer,
Assaye Building,
Bombay-5.

- Respondents

By Advocate Mr Kodoth Sreedharan, ACGSC

O R D E R

N DHARMADAN, MEMBER(J)

Applicant is an Assistant Surveyor of Works in the office of the Commander Works Engineer, Naval Base, Kochi. He is claiming seniority over the fourth respondent. His case is based on Annexure-A8, a common judgement of this Tribunal in OA-1548/91 and OA-343/92 dated 9.10.1992, in which the fourth respondent herein is one of the respondents. Following an earlier judgement of this Tribunal in OA-1028/91, this Tribunal declared that the applicants in that case are entitled to seniority in SA-I cadre based

on their initial appointment in Grade-I. The applicant in this case also seeks for a direction to respondents 1&2 to refix the seniority of the applicant and the fourth respondent on the basis of their date of the assumption of duty as SA-I, Superintendent BRI with all consequential benefits.

2. Applicant joined service as Sub Overseer on 3.11.1958. He was promoted as Superintendent Grade-II on 13.9.1960 and as Superintendent B/R Grade-I on 11.5.1965. In the meantime, Annexure-A1 Government letter dated 23.3.1964 came and as per Annexure-A3, Survey Cadre and Engineer Cadre were demerged into two independent cadres on the basis of the conditions stipulated therein. In the seniority list of Surveyor Assistant Grade-I, the applicant was at Sl.No 196 while the 4th respondent was at Sl.No.321 on the basis of their date of assumption of duties. Thereafter, another seniority list was issued on 26.12.1980 in which the applicant was at Sl.No.178. No further seniority list was issued after the demerger of the Engineer and Surveyor cadre as per Annexure-A4 and A5 proceedings. Hence the applicant claims seniority over the fourth respondent on the basis of the seniority assigned to him in the seniority lists referred to above. He filed a representation Annexure-A7 dated 20.9.1991 before the second respondent which has not been disposed of so far.

3. The learned counsel for the respondents raised some preliminary objection regarding the bar of limitation. This contention was also considered without going into the merits of the contentions raised by the parties in this case. After careful consideration of the limitation issue, we are satisfied that there is no substance in the same. We would be doing an injustice if we reject this application, relying on the limitation issue raised by the respondents. On the other hand, justice would be met in this case if we dispose of the case itself in the light of our earlier judgement on account of the fact that the applicant's representation filed before the second respondent is even now pending.

4. Accordingly, having heard the learned counsel on both sides, we are satisfied that it would be fair and proper to dispose of the original application, directing the second respondent to consider Annexur-A7 and pass appropriate orders on the same in accordance with law bearing in mind the principles in Annexure-A8 and the fact that the fourth respondent is one of the respondents in that case, who got the benefit of promotion on the basis of the judgement. Accordingly we do so. The direction shall be complied with within a period of four months from the date of receipt of a copy of this order.

5. The OA is disposed of as above. No costs.

Dated the 18th February, 1994.


(S KASIPANDIAN)
MEMBER(A)


(N DHARMADAN)
MEMBER(J)

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