

CIRCUIT
CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW/BENCH.

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Registration O.A. No. 243 of 1990

Mohanan Bhattachari.P. Applicant.

Versus

Union of India
and others Respondents.

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Hon. Mr. Justice U.C. Srivastava,V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava,V.C.)

The applicant was appointed in the office of the Accountant General-II,U.P. as Stenographer and he joined his duties on 17.6.1976. By means of this application, he has prayed that the respondents be directed to antedate his promotion w.e.f. 1.3.1984, the date since when the promotion of three stenographers as P.A. namely S/shri Dharam Dev, Jai Prakash and A.K. Ganguly has been antedated together with consequential reliefs including arrears of pay and allowances, seniority etc, and this he has prayed on the ground that the unit-wise seniority list of the employees of various cadres was not prepared seperately on the establishment of A.G.(Audit)-II U.P. Lucknow and further the appointing authority acted arbitrarily and capriciously in promoting Shri A.K. Ganguly by ignoring the claim of the applicant.

2. The respondents have refuted the claim of the applicant and have stated that while preparing the panel for promotion of Stenographer Assistant during

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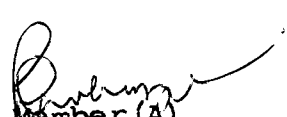
then existing vacancies (which were 3 at that time in Allahabad and 2 at Lucknow) and one more vacancy was expected to arise which, however, did not materialise as the sanctioned post of A.G. (Audit) III could not be operated. Willingness was called for from the stenographers for being posted at Lucknow . The applicant was at Sl. No. 4 in the seniority list of the stenographers and he had already been working at Lucknow gave his willingness for posting at Lucknow whereas his senior were not willing for posting at Lucknow. The D.P.C. while drawing up the panel decided to select the three persons i.e. Sri Dharan Deo, Jai Prakash and A.K.Ganguli on seniority-cum-fitness basis irrespective of their willingness or otherwise for their posting at Lucknow.


3. In view of the fact that the promotion of the said Ganguly was antedated but in the case of the applicant no antedated promotion has been done and as the applicant has given his willingness and he was the person who could have been promoted at Lucknow and after non-joining of the said Ganguly, the case of the applicant for antedating promotion like the said Ganguly and others should also have been considered but the respondents have not done so.

4. Accordingly, the respondents are directed to consider the case of the applicant also for antedating his promotion like --

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three persons mentioned above. Let this consideration be done within a period of 3 months from the date of receipt of the certified copy of this order and in case the applicant has been given antedated promotion, he will be given all the consequential benefits in another three months. The application is disposed of with the above terms. No order as to the costs.


Member (A)


Vice-Chairman

Dated: 30.3.1993

(n.u.)