

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH LUCKNOW.

O.A.No.250 of 1990.

A.T.Thomas.....Applicant.

Versus

Union of India & others ..... Respondents.

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

Hon'ble M.K. Obayya, A.M.

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

The applicant, who entered the Military Engineer Services as Lower Division Clerk after intervening promotions which he also got by passing the departmental examination, was opted for promotion in the Office Superintendent Cadre and he became fullfledge member of Office Superintendent Cadre. In the All India seniority of Stenographers' list, the name of the applicant was shown at S.No.56. The Departmental Promotion Committee selected the applicant and promoted him to the post of Office Superintendent Cadre II and his name was shown at S.No.18. Subsequently a person who is junior to the applicant, was promoted to the post of Office Superintendent Grade I from the post of Office Superintendent Grade-II and the name of the applicant was by-passed. When the applicant contacted the authority concerned, he was told that the notional seniority has been given to the persons junior to the applicant and as such they were promoted. The name of such juniors have also been given by the applicant. After exhausting departmental remedy, the applicant filed representation against the same Authority concerned before the Army Headquarter which was also dismissed. Thereafter, the applicant approached this tribunal making the grievance of non-consideration of his case and promotion to the juniors and in this

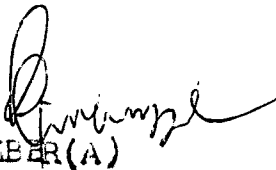
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connection, a reference has been made to the decided by the Central Administrative Tribunal Bench. The applicant has prayed that a direct issued to the respondents to promote him to the higher post of Administrative Officer Grade-I give all the service benefits to him from the which the persons junior to him were promoted direction be also issued to the respondents the compliance of the judgment dated 5.12.86, by the Central Administrative Tribunal, Madras the other orders including rejection of his -tion be also quashed.

2. The respondents have resisted the claim of the applicant and justified their action that a notional seniority was given to the persons who were juniors and consequently, they became senior to the applicant, that is why they were promoted to the higher grade. The Madras Tribunal directed the department not to fix inter se seniority on the basis of notional promotion and further directed the department to fix the seniority of the persons taking into account the period of their office on the post of Office Superintendent Grade-I on an adhoc basis. In this case, discrimination has been done to the applicant and a favour has also been done to the respondents. Accordingly, this application is allowed to the extent that on the basis of notional seniority, which was not rightly given to the juniors, the applicant cannot be passed. It is also directed that a review D.P.C. shall be conducted to consider the case of the applicant and shall

him from the date his juniors have been promoted and the applicant shall also be given notional seniority and the seniority of him not be disturbed.

Let it be done within a period of three months from the date of communication of this order. No order as to costs.

  
MEMBER(A)

DATED: JULY 15, 1992

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VICE CHAIRMAN.