

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. No. 414/90

Lucknow this the 10th day of Feb., 2000.

HON. MR. A.V. HARIDASAN, V.C.

HON. MR. J.L. NEGI, MEMBER(A)

D.S. Ram, aged about 49 years, son of Sri Dwarika Prasad resident of 509/95 Old Hyderabad, Lucknow.

Applicant.

By Advocate Shri R.C. Singh.

versus

1. Union of India through the Secretary, Ministry of Information and Broadcasting, New Delhi.
2. Chief Engineer (North Zone), All India Radio and Doordarshan, Jamnagar House New Delhi.
3. The Station Director All India Radio, Lucknow.
4. Sri Bachan Khan, Senior Engineering Assistant, T.V. Relay Centre, Rampur.
5. Sri R.C. Sharma, Senior Engineering Assistant, All India Radio, Jaipur.

Respondents.

None for respondents.

O R D E R (ORAL)

BY A.V. HARIDASAN, V.C.

The applicant who was appointed as Mechanic (subsequently designated as Technician) on 1.11.1963 in All India Radio was transferred to All India Radio (North Zone) Varanasi at his own request w.e.f. 20.10.65. The respondent Nos. 4 and 5 were appointed as Technical grade II w.e.f. 30.10.65 and 2.11.65 respectively in the North Zone after transfer of the applicant and they were junior to the applicant. The applicant and respondents 4 and 5 were considered by the D.P.C.

for promotion to the post of Senior Technician in September, 1973 and they were promoted also. The grievance of the applicant is that in seniority list of Senior Technicians circulated on 1.1.84, the respondents 4 and 5 were assigned seniority position 184 and 185 while the applicant was placed at Sr.No.188. Aggrieved by that, the applicant made representation. However, in the meanwhile the applicant made representation. However, in the meanwhile the applicant, as also the respondents were promoted to the next higher grade of Engineering Assistant in the year 1985. The respondents were promoted earlier and the applicant was promoted later. The respondents 4 and 5 were promoted as Senior Engineering Assistants in February, 1990 but the applicant was not so promoted. Therefore, the applicant, aggrieved by the supersession in seniority and non promotion along-with his juniors has filed this application for quashing the impugned seniority list and to direct the respondents 1 to 3 to issue a fresh seniority position to him and to promote the applicant on the post of Engineering Assistant consequent upon the revision of the seniority as also to consider him for further promotion as Senior Engineering Assistants accordingly, with all consequential benefits.

2. The respondents have filed a reply statement and an additional reply statement. The contentions raised in the reply can be briefly stated as follows. Though the DPC in the panel for promotion as Sr. Technicians placed the applicant at Sl.No.10 and respondents 4&5 at Sl.No.12 and 13 as there was no vacancy at Varanasi

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where the applicant opted, the respondents 4&5 were along with others promoted by order dated 7.9.93 and the applicant was promoted and posted by order dated 9.10.73. A seniority list of Sr.Technicians (Annexure.R.7) was circulated in June, 1974. In that Seniority List the applicant was placed at Sl.No.217 while the respondents 4&5 were placed at Sl.No.213 and 214 respectively. As only one discrepancy regarding not noting the technical qualification of the applicant in the seniority list this was corrected by Annexure.R.9 and this was within the knowledge of the applicant. The applicant did not raise any objection regarding the placement of the respondents 4&5 above him in the seniority list circulated on 15.6.74. Therefore, the contention of the applicant that the seniority list was circulated for the first time only in the year 1984 is not true to facts. Basing on the seniority list in the grade of Sr.Technicians the respondents 4&5 were promoted as Engineering Assistants and Sr.Engineering Assistants ahead of the applicant. The applicant, therefore, is not entitled to rake up the settled question of seniority after a lapse of two decades. The application is therefore, not maintainable and the applicant does not deserve any claim, submits the respondents.

3. The applicant has filed a rejoinder stating that the seniority list said to have been circulated in the year 1974 has not come to his notice.

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4. On a careful consideration of the pleadings and documents and on hearing the learned counsel of the parties, we are of the considered view that the applicant is not entitled to rake up the issue of seniority which was settled way back in the year 1974. May be because of the reason that the applicant was posted later than respondents 4&5 as Senior Technicians the applicant should not have been placed junior to them in the seniority list as the applicant was placed above respondents 4&5 in the panel prepared by the Departmental Promotion Committee. But when the seniority list was circulated in the year 1974 the applicant should have raised that issue and got the grievances redressed. He did not do so. Even according to the applicant Respondents 4&5 were promoted as Engineering Assistants ahead of the applicant. Even at that time the applicant did not seek to challenge their promotion and his non-promotion. Even according to the applicant he came across the seniority list in the year 1984. Though he had made representations, this application has been filed only in the year 1990. If the applicant was aggrieved by the wrong placement in the seniority list in the year 1984 and if he did not get any favourable reply to his representation rejecting the grievances, he should have filed an original application within one year after waiting for a reply to the representation for six months. This has not been done. As the respondents

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4&5 were promoted as Engineering Assistants before the applicant was so promoted, the applicant cannot now claim that he should be promoted as Sr.Engineering Assistant ahead of them. By not being vigilant of his rights and not agitating the issue of seniority at the appropriate time, the applicant's remedy as also the rights regarding seniority has been lost by limitation. Therefore, we are of the considered view that the application deserves to be dismissed.

5. In the result, in the light of what is stated above, the application is dismissed leaving the parties to bear their costs.

Dated the 10th day of February, 2000


J.L.NEGI
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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