

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO.520/91.

this the 23rd day of September'99.

HON'BLE MR D.C. VERMA, MEMBER(J)

HON'BLE MR A.K. MISRA, MEMBER(A)

V.K. Srivastava, S/o Sri S.S.L. Srivastava, resident of
161/3-4 Krishna Lok C/o I.M. Gupta, near octroi Post
Kanpur Road, Lucknow.

Applicant.

By Advocate: None.

Versus.

Union of India through Secretary Ministry of Science &
Technology, Government of India, New Delhi.

2. Director General of Meteorology, Government of India,
New Delhi.

3. S.I.M. Rizvi, C/o Dy. D.G.(M) M.C. Amausi Airport,
Lucknow.

Respondents.

By Advocate: Sri A.K. Chaturvedi.

O R D E R (O R A L)

D.C. VERMA, MEMBER(J)

By this O.A., the applicant-V.K. Srivastava has
prayed that the seniority list as contained in Annexure-1
to the O.A., be quashed and the applicant be promoted in
place of Sri S.I.M. Rizvi as the applicant is senior to
Sri S.I.M. Rizvi.

2. The applicant and S.I.M. Rizvi have been working as
Professional Assistant (in short P.A.) in Meteorological
Centre, Lucknow. By a telegraphic order dated 23.11.91
(Annexure-2) S.I.M. Rizvi and two others, who were working
at Lucknow on the post of P.A., were promoted as A.M. on
short term basis for 89 days from 25.11.91. Feeling
aggrieved^{by} the order dated 23.11.91, the applicant has
filed the present O.A.



3. As per the seniority list dated 15.10.91 (Annexure-1) the name of the applicant-V.K. Srivastava appears at Sl. No. 1105, whereas the name of S.I.M. Rizvi appears at Sl. No. 1115. Thus, S.I.M. Rizvi was junior to the applicant. Annexure-1, however, shows that though V.K. Srivastava was senior, he was not given promotion and S.I.M. Rizvi was promoted on short term basis. The learned counsel for the respondents has pointed-out that S.I.M. Rizvi was promoted because the applicant was not found fit by the DPC even for short term promotion. It has also been brought to our notice, by the learned counsel for the respondents, that subsequent to the order dated 23.11.91 one Sri R.P. Lal, whose name appeared at Sl. No. 1090 in the seniority list as contained in Annexure-1, was posted as P.A. at Lucknow. Consequently, Sri R.P. Lal was given promotion as A.M. in place of S.I.M. Rizvi. As per seniority list, R.P.Lal was senior to the applicant. Therefore, the temporary grievance which was available to the applicant does not ^{exist after} posting of R.P. Lal.

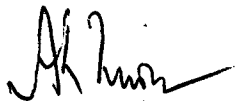
4. The prayer of the applicant is that the seniority list (Annexure-1) be quashed. This prayer has no merit. Para 3 of Annexure-1 with which the seniority list has been enclosed, is reproduced as below:-


"The enclosed list may kindly be scrutinised and omissions, if an, be brought to the notice of this office. The list may kindly be circulated among the persons concerned. Incase any person has any grievance against the seniority position assigned, he/she may represent to DGM within a month from the date of issue of the list. Signature of the concerned persons for having seen the list may kindly be obtained and kept in record."

5. This shows that the seniority list was provisional list and objections were invited for correction, if any. However, after representation and disposal of the said representation, a final seniority list was to be issued. The learned counsel further submits that final seniority list is not under challenge in this O.A. Thus, ^{if} the applicant had any grievance, ~~if any~~ against the

provisional seniority list dated 15.10.91, it was open to the applicant to make a representation against the said provisional list. In the circumstances, quashing of the provisional seniority list does not arise.

6. The learned counsel for the respondents has also pointed-out that the applicant has been finally promoted vide order dated 27.8.93 to the post of A.M. and has taken over the charge, but sofar the merit of the present O.A. for consideration on facts is concerned, there is no merit in the O.A., as found above, and the same is liable to be dismissed. In the circumstances, the O.A. is dismissed with no order as to costs.


MEMBER(A)


MEMBER(J)

LUCKNOW:DATED:23.9.99.

Girish/-