

AB

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No: 185 of 1992

H.N.Oli Applicants.

Versus

Union of India & ors. Respondents.

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

Hon'ble Mr. K.Obayya, Member-A

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

The applicant in this case, who is an employee of All India Radio, 9, Rani Laxmi Bai Marg, Lucknow has prayed that a direction be issued to Station Director, respondent No. 2 to include his name in the seniority list at proper place taking into consideration the date of appointment of the applicant, as Clerk Grade II and promote him from the date on which his next juniors Shri Ram Nath whose name is at serial No. 16 was promoted with all other service benefits. The applicant, H.N.Oli is claiming this relief on the ground that the action of respondent No. 2 is against the provisions of Article 14 and 16 of the Constitution of India. The appointing authority of the applicant wrote several letters to respondent No. 2 for inclusion of his name as well as other staff members who were working under him. The respondent No. 2 did not pay any attention to the request made by respondent No. 3. The applicant's representation dated 18.3.1992 is pending and no action has yet been taken, may be for mala fide reasons or the action of respondent No. 2 is arbitrary or it is against the principles of natural justice.

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A large number of juniors have already been promoted and further juniors to the applicant from serial Nos. 33 to 45 have been considered for promotion to the post of Clerk Grade I ignoring the claim of the applicant.

2. The applicant was appointed as Group D employee in the year 1974 and in 1980, the applicant was appointed as Clerk Grade II on adhoc basis. On 23.4.1981, a departmental test was conducted for appointment to the post of Clerk Grade II in which the applicant along with two other candidates were permitted to appear in the examination and the applicant was declared successful by means of office order dated 2.5.1981 by the respondent No. 3. Vide order dated 30.3.1988/2.4.1988 the probationary period of the applicant on the post of Clerk Grade II was terminated and he was appointed on regular basis. After being appointed on regular basis the name of the applicant along with other candidates were sent to the respondent No. 2 for inclusion in the seniority list as the opposite party No. 2 maintains the seniority of All India Radio/T.V./ Civil/Construction wing. The applicant also sent several applications through proper channel to respondent No. 2 for the inclusion of his name in the seniority list prepared by respondent No. 2. In the year 1988 the opposite party No. 2 circulated a seniority list of the Clerk Grade II employees who were working in Akashwani/Doordarshan, Civil/ Construction wing. A perusal of the same shows that the name of the applicant was missing,

as a result of the same he moved an application to opposite party No. 2 and a copy of the same was given to opposite party No. 3. On receipt of the letter from the applicant the opposite party No. 3 wrote a letter to opposite party No. 2 requesting that the name of the applicant be included in the seniority list prepared by respondent No. 2. Even after receipt of the aforesaid information which was sent by opposite party No. 3 on 9.1.1989 to opposite party no. 2, even then no action was taken by opposite party No. 2 as a result of the same the respondent No. 3 again sent the full details of staff who are working under him to respondent No. 2 on 1.5.1991. On a perusal of the seniority list published by respondent No. 3 in the month of June, it is seen that the name of the applicant should have been between serial Nos. 15 and 16 i.e. in between Shri D.P. Jauhari who was appointed on 29.7.1980 and Shri Ram Nath who was appointed on 11.9.1980. The applicant was appointed on 6.8.1980. His name should have been in between these two persons, but the applicant's name has not been placed in the proper place.

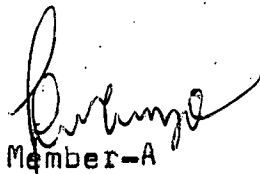
3. As this matter can even now be disposed of by the authority themselves and accordingly the respondents are directed to dispose of the representation filed by the applicant and particularly representation dated 18.3.1992 in the matter of seniority so claimed by the applicant within a period of two months from the date of communication of this order. The representation


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shall be disposed by speaking order and the respondents shall assign reasons for taking a decision in one way or the other in the matter of the applicant.

In the circumstances, there will be no order as to cost.


Member-A


Vice-Chairman

Lucknow Dated: 2.2.1993

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