

This the 20th day of September, 2010

**Hon'ble Sri G. Shanthappa, Member (J)**

**Hon'ble Sri S.P.Singh, Member (A)**

Arun Raj Krishna Misra (MES-437847) aged about 60 years son of late Captain Ram Krishna Misra, resident of C-289, MIG, Rajajipuram, Lucknow (working as Office Superintendent in the office of Chief Engineer) Headquarters Central Command, Lucknow-226002.

Applicant

By Advocate: Sri R.C.Singh

Versus

1. Union of India through the Secretary, Ministry of Defence, New Delhi-110001.
  2. Engineer- in Chief, Integrated Headquarters of Ministry of Defence (Army) Kashmir House, DHQ, PO, New Delhi-110011.
  3. Director General (Pers.) Military Engineer Services , Engineer-in-Chief, Integrated Headquarters of Ministry of Defence (Army), Kashmir House, DHQ, PO, New Delhi-110011.
  4. Chief Engineer, Headquarters, Chief Engineer, Headquarters, Central Command, Lucknow.
  5. MES-311305, Sri Chunni Lal Sharma, Administrative Officer (ad hoc)
  6. MES-362099, Sri Sudesh Kumar Verma, Administrative Officer (ad hoc)
  7. MES-311315, Sri Vijai Kumar , Administrative Officer (ad hoc)
- (address of the respondents No. 5 to 7 not known and as such notices be sent through the Director General (Pers.), Military Engineer Services, Engineer -in-Chief, Intergrated Headquarters of Ministry of Defence (Army) Kashmir House , DHQ, PO, New Delhi-110011.

Respondents

By Advocate: Sri S.P. Singh for Sri Deepak Shukla

**ORDER(ORAL)**

**Hon'ble Shri G. Shanthappa, Member (J)**

Heard Sri R.C. Singh, learned counsel for applicant and Sri S.P.Singh for Sri Deepak Shukla , learned counsel for respondents.

2. The above application is filed under Section 19 of the Administrative Tribunal Act, 1985 seeking the relief to direct the respondents to correct the impugned seniority list circulated by the respondent No. 3 vide letter dated 3.8.2009 (Annexure No.A-1) as per rules and Govt. instructions , include the names of all the officials, including the respondents No 5 to 7, holding the post of Upper Division Clerks upto 1998 and place the name of the applicant above the names of respondents No.5 to 7 within a period of 2 months , after summoning the original records from the respondent No.5.
3. It is the grievance of the applicant that while preparing the seniority list of Upper Division Clerks, their juniors i.e. respondents No. 5 to 7 have been placed above the applicant. For his grievance, he had submitted his




representation (Annexure A-7) dated 30<sup>th</sup> November, 2005. He further contended that the seniority list has been set right by the Patna Bench of this Tribunal in O.A. No. 892/2003 dated 31.8.2005 in the case of Shatrughan Thakur and others Vs. UOI and others (Annexure A-14). It is further contended that respondents in the said O.A. had filed a writ petition before the Hon'ble High Court of Patna in Civil Writ Petition No. 9012/2008. The said writ petition has been disposed of on 17.8.2010. Since the Hon'ble High Court has directed the respondents to consider the grievance of the employee in respect of the seniority, a similar direction be given to the respondents.

4. The learned counsel for respondents submits that grievance of the applicant as per Annexure A-7 is pending before the respondents. If a direction is given to the respondents i.e. competent authority to decide the grievance of the applicant and direct the respondents based on the direction of this Tribunal of Patna Bench in O.A No. 892/2003 and also in Writ Petition No. 9012/08.

5. We have considered the submissions made by either side. Without going to the merit of the case, we direct the official respondents i.e. the competent authority to consider the grievance of the applicant based on the rules and instructions of Govt. of India and based on the judgment of this Tribunal of Patna Bench in O.A No. 892/2003 and also in Writ Petition No. 9012/08.

6. We direct the respondents i.e. competent authority to issue notice to the private respondents and the applicant and set right the grievance of the applicant for correcting seniority and place him at an appropriate place. After considering the grievance, a suitable order be issued to the applicant within a period of six months from the date of receipt of copy of this order. No order as to costs.

  
(S.P. Singh)  
Member (A)

  
(G. Shanthappa)  
Member (J)

HLS/-