

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 386/2009

This the 9th day of November, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)

Hon'ble Dr. A.K. Mishra, Member (A)

Anil Kumar Das aged about 54 years son of late Shri Banarasi Das, R/o-22, Tarnsit Flat, Police Lines, Lucknow.

Applicant

By Advocate: Sri Praveen Kumar

Versus

1. Union of India through the Secretary (Home) New Delhi.
2. The Chairman, Union Public Service Commission, New Delhi.
3. The Chief Secretary, Govt. of U.P., Lucknow.
4. The Principal Secretary (Home), Govt. of U.P., Lucknow.
5. The Director General of Police, U.P., Lucknow.
6. The Satyendra Vir Singh, Superintendent of Police, Sultanpur.
7. Shri Ram Krishna Chaturvedi, Superintendent of Police, Eta.
8. Shri Vijay Kumar Garg, Superintendent of Police, Fatehpur.
9. Sri Ekramul Haq, Superintendent of Police, (Under Suspension), through the Principal Secretary (Home) Govt. of U.P., Lucknow.
10. Sri V.K. Dohre, Superintendent of Police, Jaunpur.
11. Shri Krishna Mohan, Superintendent of Police, Shahjahanpur,
12. Sri G.P. Kanaujia, Commandant, 37- Battalion, PAC Meerut.

Respondents

By Advocate: Sri S.P. Singh for Respondent No.1

Sri Pankan Awasthi for Sri A.K. Chaturvedi for
Respondent No.2 to 5

ORDER (ORAL)

Hon'ble Ms. Sadhna Srivastava, Member (J)

Heard the counsel for the parties.

2. The applicant claims seniority over the private respondents No. 6 to 12 with all consequential benefits.


3. The facts as alleged in the O.A. are that on 12.2.1991, the applicant was promoted as Deputy Superintendent of Police, Senior Scale. On 10.1.2004, he was promoted as Additional



Superintendent of Police. Thereafter, in the year 1998, he was promoted as Additional Superintendent of Police (Grade I) and in 2001, he was promoted as Additional Superintendent of Police (Special Grade). In 2003, his appointment as IPS was due. In 2004, certain junior officers were promoted in IPS cadre. The applicant filed representation. Subsequently, on 1st July, 2008, the applicant was promoted in IPS cadre. Since he was not allowed appropriate place in the seniority list, therefore, he filed representation on 30th July, 2009 but no decision, hence this O.A.

4. The counsel for respondents raised preliminary objection that the O.A. is barred by time. In 2008, the applicant has been promoted in IPS cadre and in 2009, he filed an O.A. for grant of seniority and placement in the select list of 2003. Therefore, his argument is that the O.A. is barred by time and the same is liable to be rejected on this ground alone.

5. The representation filed by the applicant is still pending, therefore, the O.A. is disposed of with a direction to respondent No. 4 to decide the representation of the applicant dated 30th July, 2009 as contained in Annexure No. A-12 in accordance with rules by reasoned and speaking order within a period of 3 months from the date of receipt of copy of this order. The applicant is directed to supply copy of the representation along with copy of this order to the respondent No. 4. No order as to costs.


(Dr. A.K. Mishra)
Member (A)


(Ms. Sadhna Sriyastava)
Member (J)

HLS/-