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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 475 of 1991

Sudhir Kumar Bhattacharjee

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as District Savings Officer in the year 1975 against clear vacancy after due selection. According to the applicant he was due for promotion in the year 1977 as his juniors were confirmed in the year 1978, the applicant was not confirmed. In the gradation list the applicant was shown junior to them. In the year 1986 the post of District Saving Officer became All India Regional Service. In the gradation list the criteria for seniority was said to be length of continuous service in the said post but the said list was withdrawn and fresh list issued on 18.4.88 in which applicant ranked senior to opposite parties 4 to 14. Another gradation list was circulated on 12/13.10.88 in which the applicant was shown junior to respondents 4 to 14. The applicant preferred representation against his supersession in this manner and failing to get relief, the applicant has approached the Tribunal with the prayer that the gradation list may be quashed and the respondents be directed to assign the seniority on the

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continuous basis of length of service in accordance with the principles/guidelines which have been laid down in Annexure -10 and no promotion be made to the next higher post without determining the seniority of the applicant.

stated

2. The respondents have/that the gradation list of District Savings Officer was prepared on regional basis and after eligibility was prepared on All India basis. Neither the applicant, nor the respondents 4 to 14 were declared confirmed till 1.7.78. The applicant was confirmed with effect from 1.1.1982, whereas the respondents 4 to 14 were confirmed much being prior to the applicant. The reason/that earlier his case was also considered by the D.P.C. which did not find him fit for confirmation and that is why he was not promoted. The applicant was still facing disciplinary proceedings and the disciplinary proceedings were wiped out and the applicant was exonerated. When the question of confirmation arose there was no adverse remarks and adverse remarks were not communicated to him. In view of the fact that the applicant was cleared from the guilt and the disciplinary authority while considering the case, did not take this fact into consideration. Accordingly, the respondents are directed to convene a review D.P.C. within a period of 3 months and to re-consider the case of the applicant for confirmation from due date without taking into consideration at all

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that he faced any disciplinary proceedings. In case the applicant is found fit for confirmation, he may be confirmed from due date and he will be given seniority and promotion to which he may be entitled. No order as to costs.





V.C.

Shakeel/ Lucknow.: Dated 20.11.92.