

(A21)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
CIRCUIT BENCH

LUCKNOW

J.A. No. 196/90(L)

Suraj Narain Lal Srivastava

Applicant.

versus

Union of India & others

Respondents.

Hon. Mr. M.Y. Priolkar, Adm. Member.

Hon. Mr. D.K. Agrawal, Judl. Member.

(By Hon. Mr. D.K. Agrawal, J.M.)

This application under section 19 of the Administrative Tribunals Act, 1985 is directed against the non-promotion of the applicant to the post of Head Clerk and thereafter to the post of Superintendent, before his retirement that is, 31.12.1987.

2. The facts are that the applicant and two others were directed to be promoted to the post of Head Clerk by an order dated 19.1.1982. However, the applicant was not able to join the promoted post of Head Clerk on account of an order of stay granted by Hon. High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in Writ Petition No. 586/82, which was later on transferred to the Tribunal and registered as F.A. No. 157/87 and ~~abated~~ finally ~~abated~~ on account of death of petitioner on 25.11.87. The applicant also retired from the post of Senior Clerk on 31.12.1987. His grievance is that if the stay orders were not in operation, he would have been

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promoted to the post of Head Clerk as well as Office Superintendent, as it happened in the case of other <sup>promotion</sup> persons dated 19.1.82. two persons included in the list of ~~persons~~ dated 19.1.82. Therefore, he made a representation on 3.12.1987 which was neither accepted, nor rejected. The applicant continued to make a representation thereafter but the competent authority did not pay any heed thereto, resulting in ~~statement~~. The applicant finally approached the Tribunal on 1.6.90. It is alleged by the applicant that the delay is liable to be condoned on account of the facts enumerated in the petition. We have given our anxious consideration to the facts as alleged. We are of the opinion that it is a fit case where delay can be condoned. Therefore, that we condone the delay. However, we consider this petition can be disposed of finally by giving a direction to the respondent authorities to dispose of the representation of the applicant dated 3.12.1987 and subsequent representations to consider his promotion to the post of Head Clerk and the Office Superintendent, in accordance with the rules. Accordingly, we direct the respondent authorities to consider the representations of the applicant whether he was entitled to be promoted to the post of Head Clerk and the Office Superintendent before his <sup>take place</sup> retirement which ~~occurred~~ on 31.12.1987 and if so, what benefits would he be entitled to after retirement as pension etc on the basis thereof. Let respondents dispose of the claim of the applicant within three months thereof. Needless to say that the applicant would be at liberty to approach the Tribunal, if still dissatisfied by the order passed by the authorities. There will be no order as to costs.

Umar Khan  
Lucknow

Dated: 9.11.90

C.T.C (Mohd. Umar Khan) <sup>dis</sup> 21/11/90

Administrative Tribunal,  
Lucknow

Attested  
True copy

sd/ 9.11.90