

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
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Original Application No: 65/91  
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~~xxxxxxApplicationxxxx~~

DATE OF DECISION: 6.9.94

R B Juvvala Petitioner

Mr. G D Samant Advocate for the Petitioners

Versus  
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U.O.I. & Ors. Respondent

Mr. J G Sawant Advocate for the Respondent(s)

CORAM :  
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The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri R. Rangarajan, Member(A)

1. To be referred to the Reporter or not ? *m*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *m*

M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PRESCOT ROAD, BOMBAY-1

OA No. 65/91

Rajulu B. Juvvala

..Applicant

V/s.

Union of India & Ors.

..Respondents

Coram: Hon.Shri B.S.Hegde, Member(J)  
Hon.Shri R. Rangarajan, Member(A)

Appearance:

Mr.G.D. Samant  
counsel for the applicant

Mr. J.G. Sawant  
counsel for the respondents

ORAL JUDGMENT:  
(Per: B.S. Hegde, Member(J))

DATED: 6.9.94


Heard the counsel. Applicant has filed this O.A. challenging the order dated 16.10.1990 at Annexure "A", wherein the applicant's name is not found in the Panel. He seeks that the Tribunal may give direction to the respondents to include his name in the Panel and to promote the applicant as Office Superintendent Gr.II retrospectively from the date his junior one Bharit was promoted as such with consequential benefits etc.

From the pleadings we find that the applicant has been working as Head Clerk at the time of filing the O.A. and the selection for the post of Office Superintendent Gr.II was made in 1990. The applicant was called for a merit test which he passed and thereafter in viva-voce also he had passed and was not selected and accordingly his name was not found in the panel. His main contention is the one L.T. Bharit, Respondent no.3, who is a Scheduled Caste has been wrongly placed above

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him in the post of Head Clerk in the year 1981 which he did not challenge in this O.A. The only contention is that his junior has been promoted though the applicant is senior in the post of Head Clerk. Since he did not challenge the seniority list of Head Clerks which was published in 1981 it is not open to the applicant to challenge the same at this belated stage without challenging the seniority list of Head Clerks. It is not permissible for him to seek any relief that he should be given any promotion from the date his junior has been given promotion as Office Superintendent. It is understood from the learned counsel that the applicant has been promoted as Office Superintendent Gr.II in the year 1991 subsequent to the filing of this O.A.

In the facts and circumstances of the case, we are of the view that there is no merit in the O.A. and the same is accordingly dismissed.



(R. Rangarajan)  
Member(A)

  
(B.S. Hegde)  
Member(J)