

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.180/1995

Date of Decision: 30th Day of January, 2001.

Shri R.S.Thakur Applicant

(Applicant by Shri Suresh Kumar, Advocate)

Versus

Union of India & 2 Ors. Respondents

(Respondents by S.S.Karkera, Adv. for Shri P.M.Pradhan,
Advocate)

CORAM

Hon'ble Shri S.K.I.Naqvi, Member (J)

Hon'ble Smt. Shanta Shastry, Member (A)

(1) To be referred to the Reporter or not? /

(2) Whether it needs to be circulated to
other Benches of the Tribunal? /

(3) Library. Yes

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(Smt. Shanta Shastry)
Member (A)

sj*

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.180/1995

DATE OF DECISION: 30.01.2001

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CORAM: HON'BLE SHRI S.K.I.NAQVI, MEMBER (J)
HON'BLE SMT. SHANTA SHAstry, MEMBER (A)

Shri Ramchandra s/o Sonelal Thakur,
45 years,
Sub-Divisional Officer (II),
Defence Estates in the Office of
Defence Estates Officer,
Bombay Circle, Colaba,
Bombay 400 005. Applicant

(By Shri Suresh Kumar, Advocate)

vs.

- 1) Union of India
through the Secretary
Ministry of Defence,
South Block
Govt. of India, New Delhi.
- 2) The Director General
Defence Estates,
Ministry of Defence,
Block IV, R.K. Puram,
New Delhi 110 066.
- 3) Defence Estates Officer,
Bombay Circle, Colaba,
Bombay 400 005.

(By Shri S.S. Karkera, Advocate for Shri P.M. Pradhan, Advocate)

O R D E R (ORAL)

[Per Smt. Shanta Shastry, M (A)]

Applicant in this O.A. has challenged the Seniority List dated 10.5.1994 and has sought a direction to the Respondents to assign him Seniority above Shri Virender Kumar in the Seniority List of Sub Divisional Officer Grade I, II and III and grant him deemed date of promotion to the posts of SDO Grade II and Grade I w.e.f. the date ~~when~~ his junior Shri Vijender Singh was promoted. He has also further prayed to consider him for promotion to the posts of Assistant Defence Estate Officer and Defence Estate Officer and to pay the arrears of salary and other consequential benefits.

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2005 A.D. 30.1.2001

2. The Applicant joined the Military Lands and Contonements Service under the MOD as Surveyor/Draughtsman on 1.1.1971. This post was later on redesignated as Sub Divisional Officer^(s.d.o) Grade III in the year 1982. The Applicant was promoted to SDO Grade II w.e.f. 2.12.1991.

3. A Seniority List was published on 10.5.1994 by Respondent No.2 showing the Seniority of SDOs Grade I, II and III as on 31.3.1994. The Applicant's name appears at Sr. No.61. It is the contention of the applicant that going by the date of joining he should have been placed at Sr. No.50. Because of this Seniority, the Applicant submits, that he was assigned the promotion to the post of SDO Grade II w.e.f 2.12.1991 instead of ^{from 1} 27.11.1987, when his immediate junior Shri Vijender Singh was granted promotion as SDO Grade II. The Applicant represented against the seniority list on 2.6.1994, his Application was rejected by a non speaking order according to the Applicant. He was informed that the DPC which was held on 21.2.1990 recommended his promotion only w.e.f. 1991. Therefore, he could not be given any deemed date of promotion w.e.f. 27.11.1987 as requested by him.

4. The Respondents have filed a Written Statement. The Respondents submit, that the Applicant's case was considered by the DPC for promotion to the posts of SDO Grade II which is the selection posts in July 1987, along with the juniors. However, the Applicant could not be recommended because there were other candidates, who secured higher grade than ^{the} applicant including the immediate junior. Since this was a selection post, the Applicant could not find a place and his juniors including Shri Vijender Singh got promoted. In the subsequent DPC also his juniors having higher Grades than the Applicants were selected and the

Applicant could not be recommended, and therefore, Respondents have fixed the seniority of the Applicant correctly w.e.f. 2nd December, 1991. He could not be granted promotion w.e.f. 27.11.1987 as claimed by him in the Application. The Order issued by the Respondents is clearly in accordance with the recommendation of the DPC as per instructions issued from time to time. The date of joining the Department is not the only criterion for maintaining seniority lists.

5. The Applicant has not challenged the promotion of his junior in 1987 in this O.A, nor has he sought it as one of the prayers. He has only challenged the impugned Seniority List.

6. We have heard learned Counsel for the Applicant and have perused the Written Submissions made by the Respondents.

7. We find that the Applicant's case was considered for promotion in 1987 and subsequently also. He could not make the Grade. It was a selection post and also out of 7 vacancies of SDO Grade II 3 were reserved for SC/ST candidates and Shri Vijender Singh whom the Applicant claims to be Applicant's junior, belongs to Scheduled Caste, he was assessed higher to the Applicant in the DPC and therefore, he has stolen a march over the Applicant in promotion. Since the Applicant could not be promoted in spite of being considered and since the post is a Selection Post, we do not find any infirmity in the Seniority List published by the Respondents on 10.4.1994. The Application being devoid of merits, the O.A. is dismissed. We do not order any costs.

Shanta
(Smt. Shanta Shastry)
Member (A)

S.K.I.Naqvi
(S.K.I.Naqvi)
Member (J)

sj*