

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.249/90

Date of order: 28.2.1996

Narender Kumar : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.J.K.Kaushik : Counsel for applicant

Mr.M.Rafiq : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

Hon'ble Mr.O.P.Sharma, Administrative Member.

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Narender Kumar in this application under Sec.19 of the Administrative Tribunals Act, 1985 has challenged the legality of the impugned order dated 11.4.1990 (Annex. A1) in so far as it lowers the seniority of the applicant vis a vis respondents Nos.4, 5 and 6. The applicant has prayed for a direction to assign him seniority above respondents Nos.4 to 6 in the revised seniority list dated 11.4.90 impugned by him.

2. We have heard the learned counsel for the parties and have gone through the records.

3. To cut short the controversy it should be noted at the very outset that the applicant was promoted as Turner Gr.I scale Rs.380-560 (Pre-revised) w.e.f. 1.1.1984 whereas respondent No.4 Shri Nand Kishore was promoted to the post of Turner Gr.I w.e.f. 29.8.86, respondent No.5, Lekh Raj was promoted w.e.f. 1.6.1987 and respondent No.6, Dhanpal was also promoted w.e.f. 1.6.87 in the said pay scale Rs.380-560. It is unquestionably true that the applicant was promoted to the post of Turner Gr.I w.e.f from a date much earlier in point of time than the dates on which respondents Nos.4 to 6 were promoted to the said post. Seniority has to be reckoned with effect from the date of entry into the grade in which the seniority is to be determined. The applicant having entered the grade earlier

than the private respondents, is entitled to higher seniority than respondents Nos.4 to 6 herein-before named. This O.A, therefore, succeeds. The respondents are directed to fix the seniority of the applicant over and above respondents Nos.4 to 6 and the seniority list at Annex. A1 dated 11.4.1990 be modified accordingly. There shall be no order as to costs.

O.P.Sharma
(O.P.Sharma)

Member (Adm.).

Gopal Krishna
(Gopal Krishna)

Vice Chairman.