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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 29.7.94.

OA 1050/92
(OA 150/89)

YAD RAM SHARMA ... APPLICANT.

Vs.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI J.K. HAUSHIKH.

For the Respondents ... SHRI MANISH SHANDARI.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the parties. The applicant submitted this OA challenging the seniority given to Mr. Malhotra and Mr. O.P. Sharma. Mr. Malhotra is not a party in this petition, as such his case was not considered. Mr. O.P. Sharma is respondent No.3. The contention of the learned counsel for the applicant is that the respondents rejected his representation in February, 1968. Mr. O.P. Sharma and Mr. Malhotra will be considered as senior on the ground that the entry of Mr. Malhotra and Mr. O.P. Sharma in the grade of CG-I was earlier, whereas the applicant was given the grade on 26.5.71. From the perusal of this file, though the dates are not clear, however Mr. Haushik agrees that Mr. O.P. Sharma was a regular employee as CG-I and he might have been appointed on regular basis in the year 1962.

2. The learned counsel for the applicant has invited our attention to Annexure A-10, ^{which} a copy of the Board's letter dated 25.7.69. The relevant paragraph-2 of the said letter reads as under :-

"The rights of the groups of senior staff, who have already passed the Appendix II examination or who pass it before 1.4.70 in relation to their juniors who are officiating in Gr.I will be preserved as in extant procedure."

According to this paragraph, the applicant as well as the person against whom there is a dispute about the charges, both are holding the post on officiating basis. In the instant case, Mr. O.P. Sharma

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was holding the post, may be from 1962, on regular basis. As such, para-2 does not apply. A person who is holding the post on regular basis under a regular appointment and who enters into the grade first will remain senior in all respects.

3. For the reasons mentioned above, we do not find force in the OA and the same is dismissed. No order as to costs.

(O.P. SHARMA)
MEMBER (A)

(D.L. MEHTA)
VICE CHAIRMAN

(Signature)

(Signature)