

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 629/92

Date of decision: 26.7.94

VED PRAKASH & ORS

: Applicants.

VERSUS

UNION OF INDIA & ORS : Respondents

Mr. P.V. Calla : Counsel for the applicants.

Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

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

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

Heard the learned counsel for the parties. Perused Annexure A-1.

2. Applicants' contention is that Ved Prakash's name finds place in the seniority list at serial no. 1. He has challenged the promotions given to Respondents No. 3 to 10 on the ground that he was senior. From the perusal of Annexure A-6 dated 20.7.1987, it is clear that the respondents have admitted this position this position that a mistake crept in and some persons junior to the applicant were promoted earlier.

3. Applicant was also given promotion vide Annexure A-6 dated 20.7.87. Applicant's contention is that respondents no. 3 to 10 were promoted prior to him, as such, promotion should be given to him with retrospective date.

4. The second contention of the applicant is that his case should also be considered for the promotion on the post of Foreman Grade-I from the date his juniors were promoted on that due to the mistake committed by the respondents.

5. Mr. Manish Bhandari submits that Annexure A-1 is the seniority list of only four units and the persons of other units have not been included in the list. He further submits that there are three categories of persons, namely, respondents no. 4 to 8, respondents no. 3 and 9 and

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respondent no. 10 and their cases differ on account of earlier postings and promotions. Whatever might be the position, mere averments in the reply will not suffice and no document in this regard has been placed before us.

6. In the result, the O.A. is partly accepted. The respondents are directed that the determination of seniority may be done between the applicants and the respondents no. 3 to 10 within a period of two months from today. In case, it is found that any person junior to the ~~has been~~ applicants is given promotion, the applicants should be given promotion from the retrospective date on which his juniors have been given promotion. In case, the applicants get promotion, their cases should also be considered for promotion on the post of Fireman Grade-I, as a consequential relief. The entire exercise should be completed within a period of four months from today.

7. The O.A. is disposed of accordingly, with no order as to costs.

(O.P. SHARMA)
Administrative Member

(J. MEHTA)
Vice-Chairman